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Roman Catholic Bishop of Stockton, a corporation sole, St. Joseph's Church

**FILED**

05 FEB 14 PM 3:40

ROSA JUNQUEIRO, CLERK

BY Ramela Junqueiro  
DEPUTY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

**KATHLEEN MACHADO INDIVIDUALLY AND AS  
GUARDIAN AD LITEM FOR RACHEL LOMAS AND  
AMBER LOMAS**

No. CV 018440

Plaintiff,

**FR. JOSEPH ILLO, MSGR. RICHARD J. RYAN,  
BISHOP STEVEN BLAIRD, AND  
ROMAN CATHOLIC BISHOP OF STOCKTON, A  
CORPORATION SOLE'S MOTION IN LIMINE  
MOTION IN LIMINE AND ORDER REGARDING  
SONNEE DELIGHT WEEDN, PHD**

vs.

**FR. JOSEPH ILLO, FR. FRANCIS JOSEPH, A.K.A.  
FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN,  
BISHOP STEVEN BLAIRD, AND THE DIOCESE OF  
STOCKTON, ET AL,**

**DATE: FEBRUARY 22, 2005  
TIME: 1:30 PM  
DEPT: 41**

Defendants.

Come now defendants, who hereby movethis court in limine for an order that plaintiffs, and all witnesses called by plaintiffs, not refer to, interrogate any witness concerning, comment on, or attempt to suggest to the jury any opinions plaintiff's retained expert, Dr. Sonnee Weedn, may hold regarding the nature and severity of plaintiff's claims, any comments on sexual predators or concepts of "grooming", except such opinions as were expressed in Dr. Weedn's deposition.

This motion is made on the ground that such evidence is and would be inadmissible in this action, and any attempt to convey such information to the jury would be highly improper and prejudicial to defendant, even if the court were to sustain an objection and instruct the jury not to

19.

1 consider such evidence (*Peat, Marwick, Mitchell & Co. v. Superior Court (1988) 200 Cal. App. 3d*  
2 272, 288).

3 This motion is based on the Memorandum of Points and Authorities accompanying this motion,  
4 on the papers and records on file herein, and on such oral and documentary evidence as may be  
5 presented at the hearing of this motion.

6 Dated: 2-14-05

7 MAYALL, HURLEY, KNUTSEN, SMITH & GREEN

8  
9 By  \_\_\_\_\_  
10 Vladimir F. Kozina, Esq.

11 MEMORANDUM OF POINTS AND AUTHORITIES

12 INTRODUCTION

13  
14 Sonnee Weedn, PhD., is one of plaintiff's retained psychological experts. At the request of  
15 plaintiff's attorney, she examined Amber Lomas and Rachel Lomas, and later rendered a report of the  
16 same date regarding this examination. During the deposition (a copy of which is unfortunately not  
17 available at the authorship of this motion), Dr. Weedn added additional matter not contained in her  
18 notes, or report, regarding allegations of the plaintiffs. She, in indicating that she was expressing every  
19 opinion she intended to offer at trial did not provide any opinion as to grooming or alleged sexual  
20 predators or pedophiles. Defendants have relied upon this representation.

21 II

22 THE OPINIONS OF A RETAINED EXPERT MUST BE LIMITED TO THOSE DISCLOSED DURING  
23 EXPERT WITNESS DISCOVERY

24 A party who discloses a retained expert must state the general substance of the testimony the  
25 expert is expected to give, and must present that expert ready for deposition (See, CCP section  
26 2034(f)(B)(D)). Opinions not presented in deposition must be excluded (*Jones vs. Moore (2000) 80*  
27 *Cal App. 4th 557,565*). In this case, Dr. Weedn's testimony and opinions that she intends to offer in  
28

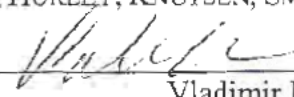


1 this case have clearly been discussed and disclosed. Defendant having relied on plaintiff's  
2 representation to this effect, plaintiff should not be allowed to renege on it by virtue of attempting to  
3 elicit additional or different testimony in court.

4 Dated: 2-14-05

MAYALL, HURLEY, KNUTSEN, SMITH & GREEN

5 By



Vladimir F. Kozina

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Attorneys for: Bishop Stephen Blaire, Msgr. Richard Ryan, Fr. Joseph Illo,  
Roman Catholic Bishop of Stockton, a corporation sole, St. Joseph's Church

FILED

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ROSA JUNQUEIRO, CLERK

BY \_\_\_\_\_  
DEPUTY

**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

**KATHLEEN MACHADO INDIVIDUALLY AND AS  
GUARDIAN AD LITEM FOR RACHEL LOMAS AND  
AMBER LOMAS**

No. CV 018440

Plaintiff,

**FR. JOSEPH ILLO FR. RICHARD J. RYAN, BISHOP  
STEVEN BLAIRD, AND  
ROMAN CATHOLIC BISHOP OF STOCKTON, A  
CORPORATION SOLE'S MOTION IN LIMINE  
TO EXCLUDE EVIDENCE OF WEALTH**

vs.

**FR. JOSEPH ILLO, FR. FRANCIS JOSEPH, A.K.A.  
FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN,  
BISHOP STEVEN BLAIRD, AND THE DIOCESE OF  
STOCKTON, ET AL,**

DATE: FEBRUARY 22, 2005  
TIME: 1:30 PM  
DEPT: 41

Defendants.

Come now Defendants in the above-entitled and numbered case, which before the trial and selection of jury, moves this court in limine, to instruct plaintiff, plaintiff's counsel and all witnesses called by plaintiff to refrain from any attempt to introduce any evidence of the wealth of Defendants.

This request is made on the basis that such evidence is, for reasons stated below, inadmissible, and any attempt to convey such information to the jury would be highly improper and prejudicial to the defendant, even if the court were to sustain an objection and instruct the jury not to consider such evidence (*Peat, Marwick, Mitchell & Co. v. Superior Court (1988) 200 Cal. App. 3d 272, 288*).

1 This motion is based on the memorandum of points and authorities accompanying this motion,  
2 on the papers and records on file herein, and on such oral and documentary evidence as may be  
3 presented at the hearing of this motion.

4  
5 **FACTS**

6 The present litigation involves allegations of sexual abuse and battery made by Rachel and Amber  
7 Lomas, minor children of plaintiff Kathleen Machado, as against Father Joseph Arakal.

8 In addition, the litigation involves allegations that Bishop Stephen Blaire, Monsignor Richard  
9 Ryan, Father Joseph Illo, Father Francis Arakal and Roman Catholic Bishop of Stockton, a corporation  
10 sole were involved in a civil conspiracy and acted to defame plaintiffs.

11 To understand the present litigation, the court needs to be made aware of some background  
12 concerning the history of plaintiff Machado and the key role it plays in the allegations made in this  
13 litigation.

14 Plaintiff Machado was married to a man that would regularly beat her. This would occur with  
15 such frequency and severity that her now ex-husband was incarcerated for domestic violence on a  
16 number of occasions. His violence was also aimed at his daughters, including the plaintiffs Lomas  
17 herein, according to the testimony of plaintiff Machado. Through all this, her three daughters,  
18 including plaintiffs Rachel Lomas and Amber Lomas, would witness and try to protect her.

19 At this time, plaintiffs were attending St. Anthony's Church in Hughson, around the corner  
20 from the home they still live in, at no more than one-quarter mile away.

21 Fr. Illo, who, at the time, was assigned to St. Anthony's Parish in Hughson, actually first met  
22 plaintiff Machado when he was summoned from the parish rectory by a staff member that informed  
23 him that there was a police action occurring on or at the church property. He observed that members of  
24 the Hughson Police Department (in actuality members of the Stanislaus County Sheriff's Office  
25 contracted to provide police services to the City of Hughson) were apparently acting to arrest plaintiff  
26 Machado's husband. At this scene, plaintiff Machado was apparently trying to prevent the arrest by  
27 pleas that appeared to indicate she did not want her now ex-husband arrested. This apparently  
28



1 circulated around a domestic violence issue. Fr. Illo attempted to comfort plaintiff Machado, who was  
2 quite distraught.

3 Plaintiff Machado, following the above incident, attended counseling, which Fr. Illo, in the  
4 course of his pastoral duties, provided. A friendship developed between the two and Mrs. Machado's  
5 children, including the two of whom are plaintiff's in this case.

6 It should be noted at this point that there are and have never been any allegations concerning Fr.  
7 Illo and any alleged improprieties concerning these or any other children.

8 Plaintiff, Kathleen Machado, had obviously deep feelings for Fr. Illo, communicating to him in  
9 one letter that she was "deeply in love" with him, could "feel" his "breath" and other such comments.  
10 She even persuaded her children to write letters, including comments intimating the children wanted  
11 Fr. Illo to be their father. In fact, she apparently wanted Fr. Illo to be her lover, something Fr. Illo could  
12 not and would not be. Fr. Illo made this very clear to plaintiff Kathleen Illo, something that angered  
13 her.

14 Despite this, Kathleen Machado would not give up. After Fr. Illo was transferred to St.  
15 Joseph's in Modesto to take the place of Fr. O'Hare, who had died, plaintiff Machado stopped  
16 attending St. Anthony's and began to attend daily and Sunday Mass at St. Joseph's in Modesto. Again,  
17 this was only after Fr. Illo was assigned there. It should be noted that, unlike the location of St.  
18 Anthony's that is literally around the corner and down the block from plaintiff's house, the drive to St.  
19 Joseph's takes approximately 15-17 minutes in a light traffic day.

20 Plaintiff Kathleen Machado would attend daily Mass, sitting in the front pew with her three  
21 children, whom she always took with her. She continued to write what can only be called love notes to  
22 Father Illo. She had feelings, that Fr. Illo could not and would not return. During this entire time, the  
23 children also wrote notes, including one from Rachel that stated "I love you as much as my mother".

24 It got to the point that Fr. Illo had to dispel any notions Mrs. Machado had, and to terminate the  
25 distraction she had become to his ministry, which included caring for the spiritual, emotional and  
26 physical needs of 4,500 families in the parish. This occurred prior to the time that Father Arakal came  
27 to Saint Joseph's  
28

1 It is at this point that Fr. Arakal enters the picture. When Fr. Illo made it abundantly clear that  
2 nothing was to come of the relationship with Mrs. Machado, she invited Fr. Arakal over for dinner on 2  
3 occasions and a third time for a house blessing.

4 Father Arakal's relationship with the plaintiffs dates to the late spring of 2001, within a few  
5 months after moving to Modesto from a parish in Lemoore, when he accepted a dinner invitation to the  
6 home of plaintiff Machado, who routinely attended daily Mass with her daughters. Plaintiffs have  
7 testified that Arakal allegedly badgered them into the dinner invitation which the family reluctantly  
8 agreed to. Both Rachel and Amber Lomas have testified that with the exception of their much younger  
9 sister, no member of the family ever even remotely liked Father Arakal, who; they claim had always  
10 made them "uncomfortable". In short plaintiffs agreed that there was never any semblance of a close  
11 trusting relationship between themselves and Father Arakal.

12 It was on the last of these visits, for a house blessing, that the allegations of improper conduct  
13 arose.

14 The plaintiff's allege that Fr. Arakal pulled up his shirt. Exposing his belly and patting it after  
15 one dinner. Plaintiff's also claim that Fr. Arakal put his collar in his front pocket and told the youngest  
16 child to take it out. Of interest, plaintiff Rachel Lomas claims this happened at the house, while  
17 plaintiff Amber Lomas has stated it occurred in the very public area of the front of St. Joseph's Church,  
18 with many people around. The only consistent statements of these two plaintiffs is that the youngest  
19 girl never did pull out the collar, being prevented from doing so by the mother. Father Arakal denies  
20 the collar incident occurred at all.

21 Further background is necessary at this point. The scene of the alleged abuse and battery,  
22 Machado house can best be described as small. The kitchen has an opening below the cabinets where  
23 one can view the living room area in an unobstructed fashion. The living room and the couch that is  
24 relevant to this proceeding are located, is not more than 2½ to 3 feet away from the counter. There are  
25 no barriers that would prevent a person in the kitchen from hearing, and seeing everything that goes on  
26 in the living room.



1 After the 3<sup>rd</sup> dinner, in July, 2001, the plaintiff children went into the living room with Fr.  
2 Arakal. Colleen Lomas, admits that, as the four sat there, she began to tickle Fr. Arakal and her sister  
3 Amber Lomas. She and her sister also tickled plaintiff Rachel Lomas, who tickled all back, including  
4 Fr. Arakal. Fr. Arakal also tickled back and soon all four were engaged in a tickling contest.

5 At this point the story not only converges, but there are exaggerations and additions made by  
6 the plaintiffs as they related an ever more engrossing tale to successive individuals over a course of  
7 time and circumstances.

8 Plaintiff Amber Lomas claims that Father Arakal tickled her on the upper legs and abdomen. In  
9 an interview undertaken by the Stanislaus County District Attorneys office as part of the Hughson  
10 Police Departments investigation (an investigation that was initiated, it should be added, by the  
11 defendants themselves as soon as a claim of inappropriate conduct was made to defendants) Amber  
12 expressly denied any touching of breast or vaginal areas. She has also testified accordingly. Despite  
13 this, and with full knowledge of the falsity of such claims, the plaintiff's and their counsel have alleged  
14 and put into the public domain, claims that plaintiff Amber Lomas was molested by sexually motivated  
15 touching of her breasts and vaginal areas by Father Arakal. Discovery and law enforcement  
16 investigation have made it an undisputed fact that the occurrence with Amber Lomas never happened.

17 Plaintiff Rachel Lomas also claims inappropriate conduct on the part of Father Arakal in the  
18 same incident. Although plaintiff Amber Lomas claims that Father Arakal had pinned plaintiff Rachel  
19 Lomas to the floor by holding both of her hands down out to her side with both of his hands and, in  
20 what can only be described as a feat extraordinaire, was, while having both of his hands on her hands,  
21 able to brush against her breasts with his.

22 Plaintiff Rachel Lomas also claims that Father Arakal had pinned her to the floor, telling the  
23 Stanislaus County District Attorney sexual abuse investigator that she had blacked out a large part of  
24 the incident and could not remember details, then going into vivid detail in the interview, that Father  
25 Arakal took his right hand off of her right hand and proceed to first brush his hand against her breast  
26 and then also touch a breast with a cupped hand.



1 It should be noted that this conduct was in the living room in full view of Kathleen Machado,  
2 who was in the kitchen, 2 – 3 feet away.

3 The plaintiff's have differing versions of what transpired next. One is that Rachel Lomas  
4 commanded Father Arakal to get off of her, another that she just left without saying anything. Father  
5 Arakal is claimed to have said, or strongly commented, or yelled, depending on the version, "I didn't  
6 do anything wrong." Allegedly plaintiff Kathleen Machado, after this incident ordered Father Arakal  
7 out of the house.

8 According to the testimony of Rachel Lomas and Amber Lomas, as well as Kathleen Machado,  
9 nothing was said to Kathleen Machado or anyone about the alleged incident. Neither did Kathleen  
10 Machado do anything, as one might expect a mother to do if she suspected inappropriate conduct by  
11 someone against her own daughter in the very living room of her home. There was not call to the  
12 police, nor report to a child abuse agency, no call to Fr. Illo or to anyone at the Diocese of Stockton.

13 It was not until almost three months later that some claim was made concerning Father Arakal.  
14 And it was not a claim of inappropriate conduct. In fact, the incident, occurring September 11, 2001  
15 wherein a statement was made that Father Arakal made Amber Lomas feel "uncomfortable" can only  
16 be described as bizarre.

17 Amber allegedly asks her mother to speak to Fr. Illo after a weekday mass. Despite the  
18 tempestuous relationship between her family and Illo, Ms. Machado had no hesitation in leaving her 11  
19 year old daughter in the company of Illo and then departing for work, Ms. Machado alleges that she  
20 had no clue that Amber had allegedly intended to unburden herself to Illo of the secret of the alleged  
21 molestation by Arakal. Discovery has revealed that while Amber may have informed Father Illo about  
22 her feelings that Arakal made her feel uncomfortable, the majority of her concerns revolved around her  
23 anger toward Illo, pictures of whom she had brought to the meeting, There was absolutely no report of  
24 any molestation made to Illo who was told only about the shirt lifting episode and the alleged collar  
25 event.

26 Illo upon hearing the claim about his associate, made the decision to summon Arakal, who  
27 already bearing rumors being spread about him by Ms. Machado, understandably became defensive.

1 Amber, now in the presence of two upset adults likewise became upset to the point where parish staff  
2 members summoned not only her mother, but also a counselor. This counselor expressly informed  
3 Father Illo that she was a designated reporter and if she had any information of a possible abuse or  
4 molestation she would have to report it.

5 The counselor, Yvone McLoughlin, conducted an interview of Amber Lomas, in the presence  
6 of the girl's mother, aunt and a friend. Based on the interview and her education, training and  
7 experience, Ms. McLoughlin ascertained that no abuse had occurred.

8 Since this professional made a determination contrary to what plaintiff's are trying to claim in  
9 this litigation, plaintiffs now try to assert that the counselor, Yvonne McLoughlin, is also part of  
10 parish/diocesan, conspiracy to cover up Arakal's acts.

11 In reality, no claim of inappropriate touching, abuse or molestation was made. It was not until  
12 approximately spring of 2002, apparently after Machado had consulted her attorneys, that the  
13 grandfather of the minor plaintiffs approached Monsignor Ryan after a Confirmation in Ceres and said  
14 something inappropriate had occurred. This was on a Friday night and Monsignor Ryan met with the  
15 family as early as a meeting could be arranged, the following Monday.

16 The Diocese of Stockton, due to the allegations of inappropriate touching, made for the first  
17 time in 2002, immediately contacted the Hughson Police Department. The Hughson Police Department  
18 and the Stanislaus County. Pursuant to Diocesan policy, Father Arakal was suspended pending the  
19 results of the investigations. None of the investigations determined that there was a credible allegation  
20 nor did the investigations reveal any basis for requiring a report of potential abuse to the Department of  
21 Justice pursuant to Welfare and Institutions Code section 1164 and following. Father Arakal, after  
22 being completely cleared, was reinstated.

23 Further, exemplary damages were struck from the present litigation by order of the court. No  
24 evidence has been adduced, and no application has been made to the court pursuant to Civil Code  
25 section 3295 for discovery and no amendment to the complaint has been made.

26  
27 ///  
28



LAW

EVIDENCE OF A DEFENDANT'S WEALTH IS INADMISSIBLE

It has been the law of this state for at least 88 years that absent circumstances warranting the consideration of punitive damages, the wealth of a defendant is inadmissible (*Story v. Green* (1913) 164 Cal. 768, 771-772). Any deliberate attempt by counsel to appeal to the social or economic prejudices of the jury by referring to the wealth of a defendant is misconduct, and may result in reversal of the verdict (*Hoffman v. Brandt* (1966) 65 Cal. 2d 549, 552-555).

ADMISSION OF SUCH EVIDENCE WOULD BE  
PREJUDICIAL, CONFUSING, AND MISLEADING

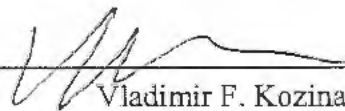
The law is well established that where the proffered evidence will create a substantial danger of undue prejudice in excess of the probative value, such evidence is inadmissible. Evidence Code section 352 states:

"The court in its discretion may exclude evidence if its probative value is substantially outweighed by the probability that its admission will (a) necessitate undue consumption of time or (b) create substantial danger of undue prejudice, of confusing the issues, or of misleading the jury."

There is no probative value in defendant's wealth. Any such evidence would be prejudicial, confusing, and misleading to the jury, and should therefore be excluded. An order in limine is warranted because any question or comment by plaintiff or plaintiff's attorney would alert the jury to these issues and would cause injury notwithstanding a timely objection and instruction by the court to disregard such evidence (*Peat, Marwick, Mitchell & Co. v. Superior Court* (1988) 200 Cal. App. 3d 272, 288).

Dated: 2-14-16

MAYALL, HURLEY, KNUTSEN, SMITH & GREEN

By   
Vladimir F. Kozina



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9 CA State Bar No. 083987

10 Attorneys for Defendants  
Father Joseph Illo, Monsignor Richard J. Ryan, Bishop  
11 Stephen E. Blaire, And The Roman Catholic Bishop Of Stockton,  
a Corporation Sole  
12

13 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**  
14

15 **KATHLEEN MACHADO AS AN INDIVIDUAL) CASE No. CV018440**  
16 **AND AS GUARDIAN AD LITEM FOR RACHEL )**  
**LOMAS AND AMBER LOMAS, )**  
17 **Plaintiffs, )**  
18 **vs. )**  
19 **FR. JOSEPH ILLO, FR. FRANCIS JOSEPH AKA )**  
20 **FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN, )**  
**BISHOP STEVEN BLAIRE AND THE DIOCESE )**  
21 **OF STOCKTON, ET AL., )**  
22 **Defendants. )**

**DEFENDANTS' MOTION IN LIMINE TO**  
**EXCLUDE TESTIMONY FROM OR**  
**EVIDENCE PREPARED BY**  
**PLAINTIFFS' EXPERT THOMAS**  
**DOYLE**  
**DEPARTMENT: 41**  
**TRIAL JUDGE: HON. ELIZABETH HUMPHREYS**  
**TRIAL DATE: FEBRUARY 22, 2005**

23 **COMES NOW** defendants, FATHER JOSPEH ILLO, MONSIGNOR RICHARD  
24 RYAN, BISHOP STEPHEN E. BLAIRE, and THE ROMAN CATHOLIC BISHOP OF  
25 STOCKTON, a Corporation Sole (Hereinafter collectively referred to as DEFENDANTS) who  
26

27  
28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle

FILED  
05 FEB 14 PM 3:43  
ROSA JUMBUQUEIRO, CLERK  
BY *Rosa Jumbueiro*  
DEPUTY

1 hereby moves this court for an order excluding any testimony from or evidence prepared by  
2 plaintiffs' expert Thomas Doyle.

3 This motion will be made on the grounds that plaintiffs have not complied with Code of  
4 Civil Procedure Section 2034(j), and attempt to convey such information to the jury would be  
5 highly improper and prejudicial to defendant, even if the court were to sustain an objection and  
6 instruct the jury not to consider such evidence.

7 This motion is based on the Memorandum of Points and Authorities accompanying this  
8 motion, on the Declaration of Michael L. Phillips served and filed herewith, on the papers and  
9 records on file herein, and on such oral and documentary evidence as may be presented at the  
10 hearing of this motion.  
11

12  
13  
14 DATED: February 14, 2005.

15 **MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

16 By   
17 MICHAEL L. PHILLIPS

18  
19 **MEMORANDUM OF POINTS AND AUTHORITIES**

20  
21 **I**

22 **INTRODUCTION AND SUMMARY OF ARGUMENT**

23 DEFENDANTS anticipate that plaintiffs will call expert Thomas Doyle to testify as an  
24 expert during the course of trial in this matter. Plaintiffs should be precluded from offering such  
25 testimony or evidence thereof. Under Code of Civil Procedure Section 2034(j), the trial court  
26 shall exclude from evidence the expert opinion of any witness that is offered by any party who  
27 has unreasonably failed make designated experts available for deposition. Plaintiffs have

28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle

1 designated Thomas Doyle as an expert in this matter and have failed to produce him for  
2 meaningful deposition. DEFENDANTS have attempted to work with plaintiffs' counsel to  
3 schedule Mr. Doyle's deposition, but as evidenced by numerous communications between the  
4 parties, plaintiffs' counsel is refusing to produce him for live deposition in this matter.

5 Plaintiffs served their response to demand for exchange of experts on January 5, 2005 and  
6 disclosed Thomas Doyle as an expert pursuant to Code of Civil Procedure Section 2034(f).

7 Declaration of Michael L. Phillips; ¶2. On January 13, 2005 DEFENDANTS noticed the  
8 deposition of Thomas Doyle to be taken on February 2, 2005. Declaration of Michael L. Phillips;

9 ¶3. DEFENDANTS received correspondence from plaintiffs' counsel on January 21, 2005  
10 indicating Thomas Doyle would be unavailable until January 26, 2005 and they would get back  
11 to DEFENDANTS regarding his schedule after that date. Declaration of Michael L. Phillips; ¶4.

12 After numerous other attempts to confirm the deposition of Thomas Doyle, DEFENDANTS  
13 received correspondence from plaintiffs' counsel on January 27, 2005 indicating that a date for  
14 Thomas Doyle's deposition could still not be confirmed. Declaration of Michael L. Phillips; ¶5.

15 In an effort to assure discovery was concluded by the extended deadline of February 17, 2005, on  
16 January 28, 2005 DEFENDANTS sent correspondence to plaintiffs' counsel setting Thomas

17 Doyle's deposition for February 14, 2005. Declaration of Michael L. Phillips; ¶6. On February  
18 8, 2005 DEFENDANTS received correspondence from plaintiffs' counsel stating Thomas Doyle  
19 would not be available to give live deposition testimony in this matter; he would only be  
20 produced by telephone or video conference. Declaration of Michael L. Phillips; ¶7.

21 DEFENDANTS responded to plaintiffs' counsel on the same day indicating that pursuant to  
22 California Code of Civil Procedure Section 2034, as a listed expert Thomas Doyle must be

23 produced for deposition and that a telephonic deposition would not suffice. Declaration of  
24 Michael L. Phillips; ¶8. On February 9, 2005 DEFENDANTS received further correspondence

25 from plaintiffs' counsel reaffirming their position that Thomas Doyle would be produced only via  
26 telephone prior to February 18, 2005. Declaration of Michael L. Phillips; ¶9. On February 10,

27 2005 DEFENDANTS sent correspondence to plaintiffs' counsel reiterating that they had been

28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle



1 more than willing to accommodate Thomas Doyle's schedule, but that no alternative dates had  
2 been proposed and that given the approaching trial date, his deposition would have to go forward  
3 as scheduled for February 14, 2005. Declaration of Michael L. Phillips; ¶10. Plaintiffs' counsel  
4 conveyed to DEFENDANTS that Thomas Doyle would not be produced in person for deposition  
5 on February 14, 2005. Declaration of Michael L. Phillips; ¶11.

6  
7 **II**  
**LEGAL ARGUMENT**

8 **A. PLAINTIFFS HAVE FAILED TO COMPLY WITH CODE OF CIVIL**  
9 **PROCEDURE SECTION 2034**

10 California Code of Civil Procedure Section 2034, subdivision (j) states:

11 "Except as provided in subdivisions (k), (l) and (m) on objection of  
12 any party who has made a complete and timely compliance with  
13 subdivision (f), the trial court shall exclude from evidence the  
expert opinion of any witness that is offered by any party who has  
unreasonably failed to do any of the following:

14 "(1) List that witness as an expert under subdivision (f).

15 "(2) Submit an expert witness declaration.

16 "(3) Produce reports and writings of expert witnesses under  
17 subdivision (g).

18 "(4) Make that expert available for a deposition under subdivision  
19 (i)."

20 Plaintiffs have failed to comply with Section 2034 by not producing Thomas Doyle, a  
21 listed expert, for complete and meaningful deposition. Plaintiffs' counsel's offer to produce  
22 Thomas Doyle for deposition via telephone is not sufficient. Although California Code of Civil  
23 Procedure Section 2025 provided for certain occasions on which a nonparty deponent may appear  
24 at his deposition by telephone, plaintiffs' counsel did not comply with the required procedure for  
25 such appearance.

26 /  
27  
28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle

California Rules of Court Rule 333 provided in pertinent part:

1 "A nonparty deponent may appear at his or her deposition by telephone, videoconference,  
2 or other remote electronic means *with court approval upon a finding of good cause and*  
3 *no prejudice to any party*. The deponent must be sworn in the presence of the deposition  
4 officer or by any other means stipulated to by the parties or ordered by the court. Any  
5 party may be personally present at the deposition." (Emphasis added)

6 Plaintiffs' counsel did not seek court approval to allow Thomas Doyle to appear at his  
7 deposition by telephone or videoconference. Furthermore, it is unlikely such approval would  
8 have been granted under these circumstances. No good cause exists to allow Thomas Doyle to  
9 forego appearing in person for his deposition in this matter. In addition, DEFENDANTS would  
10 be prejudiced if Thomas Doyle was permitted to appear at his deposition in any other manner  
11 than live and in person. As a retained expert in this matter, the credibility of Thomas Doyle will  
12 be a key issue. A meaningful disposition of Thomas Doyle would require his personally  
13 appearance so that the parties can adequately assess his credibility for purposes of cross  
14 examination during the course of trial. Only through personal appearance at deposition can Mr.  
15 Doyle's demeanor, facial expressions, and other nonverbal indicia of reliability be evaluated.

16 **B. DEFENDANTS WILL BE PREJUDICED BY ANY EVIDENCE PRESENTED**  
17 **REGARDING EXPERT THOMAS DOYLE'S OPINION**

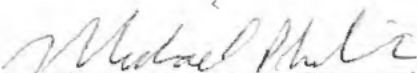
18 Under California Evidence Code Section 352 the court, in its discretion, may exclude  
19 evidence if its probative value is substantially outweighed by the probability that its admission  
20 will necessitate undue consumption of time or create substantial danger of unfair prejudice,  
21 confusion of the issues, or misleading the jury. Plaintiffs' have failed to produce Thomas Doyle  
22 for deposition. As such, DEFENDANTS have not had an opportunity to evaluate any opinions  
23 he may offer during the course of trial. Plaintiffs should therefore be precluded from calling  
24 Thomas Doyle as a witness or offering any evidence of opinions he may have formed in this  
25 matter.  
26

**III**  
**CONCLUSION**

1  
2 Plaintiffs failed to comply with California Code of Civil Procedure Section 2034 by not  
3 producing Thomas Doyle, a listed expert, for a meaningful deposition. Plaintiffs' counsel's offer,  
4 without seeking court approval, to produce Mr. Doyle via telephone or videoconference is not  
5 sufficient compliance. DEFENDANTS will be prejudiced if Thomas Doyle is allowed to testify  
6 at trial without DEFENDANTS having been afforded the opportunity to evaluate his credibility  
7 and opinions by way of deposition. Therefore, the court should exclude any testimony from or  
8 evidence prepared by plaintiffs' expert Thomas Doyle.  
9

10  
11 Dated: February 14, 2005

MAYALL, HURLEY, KNUTSEN, SMITH & GREEN

12  
13 By:   
14 MICHAEL L. PHILLIPS



1 **MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**  
A Professional Corporation  
2 2453 Grand Canal Boulevard, Second Floor  
Stockton, California 95207-8253  
3 Telephone (209) 477-3833  
VLADIMIR F. KOZINA, ESQ.  
4 CA State Bar No. 095422  
MICHAEL L. PHILLIPS, ESQ.  
5 CA State Bar No. 232978

6 **NEUMILLER & BEARDSLEE**  
A Professional Corporation  
7 P.O. Box 20  
Stockton, CA 95201-3020  
8 Telephone: (209)948-8200  
PAUL N. BALESTRACCI  
9 CA State Bar No. 083987

10 Attorneys for Defendants  
Father Joseph Illo, Monsignor Richard J. Ryan, Bishop  
11 Stephen E. Blaire, And The Roman Catholic Bishop Of Stockton,  
a Corporation Sole

13 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

15 **KATHLEEN MACHADO AS AN INDIVIDUAL ) CASE No. CV018440**  
16 **AND AS GUARDIAN AD LITEM FOR RACHEL )**  
**LOMAS AND AMBER LOMAS, )**  
17 **Plaintiffs, )**  
18 **vs. )**  
19 **FR. JOSEPH ILLO, FR. FRANCIS JOSEPH AKA )**  
20 **FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN, )**  
21 **BISHOP STEVEN BLAIRE AND THE DIOCESE )**  
**OF STOCKTON, ET AL., )**  
22 **Defendants. )**  
23 **)**  
**)**  
**)**  
**)**

**DECLARATION OF MICHAEL L. PHILLIPS IN SUPPORT OF DEFENDANTS' MOTION IN LIMINE TO EXCLUDE TESTIMONY FROM OR EVIDENCE PREPARED BY PLAINTIFFS' EXPERT THOMAS DOYLE**

**DEPARTMENT: 41**  
**TRIAL JUDGE: HON. ELIZABETH HUMPHREYS**  
**TRIAL DATE: FEBRUARY 22, 2005**

24 I, MICHAEL L. PHILLIPS, declare as follows:  
25 1. I am attorney licensed to practice law in the State of California, and am an associate with  
26 the law firm of Mayall, Hurley, Knutsen, Smith & Green, attorneys of record for defendants  
27 FATHER JOSEPH ILLO, MONSIGNOR RICHARD J. RYAN, BISHOP STEPHEN E. BLAIRE, AND THE  
28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle

1 ROMAN CATHOLIC BISHOP OF STOCKTON, a Corporation Sole. I make this declaration based on  
2 personal knowledge and, if called to testify, could and would testify consistently herewith.

3 2. Attached as Exhibit "A" is a true and correct copy the Code of Civil Procedure Section  
4 2034 response served by plaintiffs.

5  
6 3. Attached as Exhibit "B" is a true and correct copy DEFENDANTS Notice of Deposition  
7 of Thomas Doyle.

8  
9 4. Attached as Exhibit "C" is a true and correct copy of correspondence received by  
10 DEFENDANTS from plaintiffs' counsel on January 21, 2005.

11 5. Attached as Exhibit "D" is a true and correct copy of correspondence received by  
12 DEFENDANTS from plaintiffs' counsel on January 27, 2005.

13  
14 6. Attached as Exhibit "E" is a true and correct copy of correspondence from  
15 DEFENDANTS to plaintiffs' counsel dated January 28, 2005.

16  
17 7. Attached as Exhibit "F" is a true and correct copy of correspondence received by  
18 DEFENDANTS from plaintiffs' counsel on February 8, 2005.

19  
20 8. Attached as Exhibit "G" is a true and correct copy of correspondence from  
21 DEFENDANTS to plaintiffs' counsel dated February 8, 2005.

22 9. Attached as Exhibit "H" is a true and correct copy of correspondence received by  
23 DEFENDANTS from plaintiffs' counsel on February 9, 2005.

24  
25 10. Attached as Exhibit "I" is a true and correct copy of correspondence from  
26 DEFENDANTS to plaintiffs' counsel dated February 10, 2005.

27  
28 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
Thomas Doyle

1 11. It is my understanding and belief that plaintiffs' counsel orally conveyed to  
2 DEFENDANT's counsel, Vladimir F. Kozina that Thomas Doyle would not appear in person for  
3 his scheduled deposition on February 14, 2005.

4  
5  
6  
7 I declare under penalty of perjury under the laws of the State of California that the  
8 foregoing is true and correct.

9 Executed on February 14, 2005 at Stockton, California.

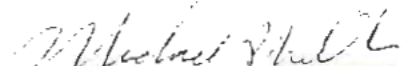
10  
11   
12 \_\_\_\_\_  
MICHAEL L. PHILLIPS



EXHIBIT A

JAN 5 2003  
09660-29087  
CALENDARER

Law Offices of Anthony Boskovich 28 North First Street, 6<sup>th</sup> Floor, San Jose, CA 95113 (408) 286-5150

1 George J. MacKoul, No. 170586  
Sabbah and MacKoul  
2 Attorneys and Counselors at Law  
49 Locust Street  
3 Falmouth, Massachusetts 02540  
4 508-495-4955

5 Anthony Boskovich, No. 121198  
Law Offices of Anthony Boskovich  
6 28 N. First Street, 6<sup>th</sup> Floor  
San Jose, California 95113-1210  
7  
8 408-286-5150

9 Attorneys for Plaintiffs

10  
11 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
12 **COUNTY OF SAN JOAQUIN**  
13

14 KATHLEEN MACHADO, individually and  
in her capacity as Guardian ad Litem for  
15 RACHEL LOMAS and AMBER LOMAS,  
*Plaintiffs,*  
16 v.  
17 FATHER JOSEPH ILLO; FATHER FRANCIS  
JOSEPH a.k.a. FATHER FRANCIS ARAKAL;  
18 FATHER RICHARD RYAN; BISHOP STEVEN  
BLAIRE; THE DIOCESE OF STOCKTON;  
19 DOES 1 through 100,  
*Defendants.*  
20

No. CV 018440

**PLAINTIFFS' EXPERT  
WITNESS DISCLOSURE FOR  
TRIAL**  
(Code Civ. Proc. §2034, subd.  
(f)) and  
**EXPERT WITNESS  
DECLARATION**  
(Code Civ. Proc. §2034, subd.  
(f)(2))

21 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

22 You, and each of you, will please take notice that plaintiffs KATHLEEN MACHADO,  
23 RACHEL LOMAS and AMBER LOMAS may call the following expert witnesses to testify at the  
24 time of trial.

25 I. RETAINED EXPERTS:

- 26 1) Sannee Weedn, Ph.D.,  
3 Hamilton Landing, Ste 230  
27 Novato, Ca 94949.

1 Dr. Weedn is a clinical psychologist. Dr. Weedn will testify as to the emotional and  
2 psychological damages of the plaintiffs and the causation thereto. Her testimony will cover past,  
3 present and future damages.

4 Dr. Weedn has agreed to testify at the trial of this matter. Dr. Weedn will be sufficiently  
5 familiar with the pending action to submit to a meaningful oral deposition concerning specific  
6 testimony, including any opinions and their basis, that she is expected to give at trial.

7 Dr. Weedn's hourly rate for deposition testimony and consultation with retaining attorney  
8 is \$250 per hour, not including expenses, and \$350 per hour, not including expenses, for trial.

9 Attached hereto as Exhibit A and incorporated herein by reference is the resume of the  
10 professional qualifications of Dr. Weedn as well as a report prepared by Dr. Weedn in this matter.

11  
12  
13 2) Fr. Thomas Patrick Michael Doyle  
14 7514 Cayuga Ave.  
Bethesda, MD 20817

15 Fr. Doyle will testify with regard to the canonical, procedural, pastoral and institutional  
16 workings of the Catholic Church with regard to the sexual abuse of children. He will also testify as  
17 to the past and present policies and procedures used and instituted by the Catholic Church regarding  
18 the sexual abuse of minors.

19 Fr. Doyle has agreed to testify at the trial of this matter. Fr. Doyle will be sufficiently familiar  
20 with the pending action to submit to a meaningful oral deposition concerning specific testimony,  
21 including any opinions and their basis, that he is expected to give at trial.

22 Fr. Doyle's hourly rate for deposition testimony and consultation with retaining attorney and  
23 for trial testimony is \$300 per hour, not including expenses.

24 Attached hereto as Exhibit B and incorporated herein by reference is the resume of the  
25 professional qualifications of Fr. Doyle.

26  
27 3) A. W. Richard Sipe, address to be provided.  
28



1 Mr. Sipe will testify to the issues regarding liability regarding the psychology of the sexual  
2 behavior of catholic priests who live and work in the state of celibacy. He will also testify about the  
3 "celibate/sexual system" within the Catholic Church hierarchy. He will also testify to the Catholic  
4 Church's general knowledge of sexual abuse of minors by clergy. He will also testify as to the  
5 communication about sexual activity within the clerical system. He will also testify to the knowledge  
6 of clergy sexual activity through suspicion/rumor/complaint/report. He will also testify to the  
7 profound and lasting effects of sexual abuse by clergy.

8 Mr. Sipe has agreed to testify at the trial of this matter. Mr. Sipe will be sufficiently familiar  
9 with the pending action to submit to a meaningful oral deposition concerning specific testimony,  
10 including any opinions and their basis, that he is expected to give at trial.

11 Mr. Sipe's hourly rate for deposition testimony and consultation with retaining attorney and  
12 trial testimony is \$300 per hour, not including expenses.

13 Attached hereto as Exhibit C and incorporated herein by reference is the resume of the  
14 professional qualifications of Mr. Sipe.

- 15
- 16 4) Any and all individuals designated as experts by any of the parties in this action; and,
  - 17 5) Any and all individuals hereinafter selected and designated as experts pursuant to
  - 18 Code of Civil Procedure §2034.
- 19

20 In addition, plaintiffs KATHLEEN MACHADO, RACHEL LOMAS and AMBER  
21 LOMAS hereby reserve the right, at their option, to withdraw any individual designated herein as  
22 an expert.

23 The Plaintiffs also hereby expressly reserve the right to call such other experts at trial as are  
24 necessary to rebut the testimony of experts who testify on behalf of other parties to this action.

25

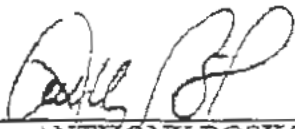
26 Pursuant to the provisions of section 2034 subdivision (I) of the Code of Civil Procedure,  
27 plaintiffs request that any party desiring to take the deposition of a potential expert witness herein  
28

1 declared shall tender a fee, in advance, to said potential expert witness based upon the anticipated  
2 length of the deposition, not exceeding said deponent's customary hourly or daily fee for the time  
3 reasonably and necessarily spent in connection with such deposition.

4 It is further to be understood that should the deposition take longer than originally  
5 anticipated, the balance of the fee due shall be paid by the party noticing/requesting the deposition  
6 within five (5) days of receipt of said deponent's itemized statement for services.

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28

Dated: January 3, 2005

By: 

**ANTHONY BOSKOVICH**

Attorney for Kathleen Machado, Rachel Lomas and Amber Lomas

Law Offices of Anthony Boskovich 28 North First Street, 6<sup>th</sup> Floor, San Jose, CA 95113 (408) 286-5150

EXPERT WITNESS DECLARATION

1  
2 I, Anthony Boskovich, declare:

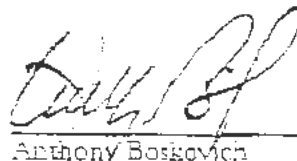
3  
4 1. I am an attorney at law duly licensed to practice before all courts of the state of  
5 California and am the attorney of record for plaintiffs KATHLEEN MACHADO, RACHEL  
6 LOMAS and AMBER LOMAS herein.

7  
8 2. The statements set forth as to Dr. Sonnet Weedn above are true and correct. Dr.  
9 Weedn has agreed to testify in this matter and will be sufficiently familiar with the pending action  
10 to submit to a meaningful oral deposition concerning her specific testimony. Dr. Weedn's hourly  
11 rate for deposition is \$250.

12  
13 3. The statements set forth as to Fr. Thomas Doyle above are true and correct. Fr.  
14 Doyle has agreed to testify in this matter and will be sufficiently familiar with the pending action  
15 to submit to a meaningful oral deposition concerning his specific testimony. Fr. Doyle's hourly  
16 rate for deposition is \$300.

17  
18 4. The statements set forth as to A.W. Richard Sipe above are true and correct. Mr.  
19 Sipe has agreed to testify in this matter and will be sufficiently familiar with the pending action to  
20 submit to a meaningful oral deposition concerning his specific testimony. Mr. Sipe's hourly rate  
21 for deposition is \$300.

22  
23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed on 3 January 2005 in San Jose, California.

25  
26  
27 

28  
\_\_\_\_\_  
Anthony Boskovich

Law Offices of Anthony Boskovich 28 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150



# EXHIBIT A

Sonnie Wood, Ph.D.  
A Professional Corporation  
Clinical Psychology and Assessment  
PSY 12188

33946

NOT RECORDED  
BY  
APA

**Curriculum Vitae**

**Education:**

- 1968 Ph.D. Clinical Psychology  
California Graduate School of Family Psychology, San Rafael, CA  
(Accrued by American School of Professional Psychology 7/89)  
Doctoral Dissertation: "Brothers and Sisters of the Mentally Retarded: A Retrospective Descriptive Study"
- 1973 M.S. Counseling Psychology  
University of Southern California, Los Angeles, CA
- 1969 M.S. Elementary Education  
University of Southern California, Los Angeles, CA
- 1968 B.S. Social Studies (emphasis on Anthropology)  
University of Southern California, Los Angeles, CA

**Doctoral Internships:**

- 1988 - 1990 Post-doctoral Intern at Redwood Psychological Services Center, Petaluma, CA
- 1985 - 1986 Pre-doctoral Intern at Petaluma Valley Hospital, Phoenix Program (Inpatient treatment of chemical dependency), Petaluma, CA

**Licenses and Credentials:**

- 1991 Licensed Psychologist - PSY12188
- 1983 Marriage and Family Therapist - MFB670
- 1976 Administrative Services Credential
- 1973 Pupil Personnel Credential (Lifetime)
- 1968 Standard Elementary Credential (Lifetime)

**Specialty Certification:**

- 2005 National Registry of Certified Group Psychotherapists
- 1987 APA Certificate in Assessment and Treatment of Alcoholism and Other Substance Abuse

**Honors and Awards:**

- 2002 Awarded the Lady Vera Scholarship by the Angeles Arrien Foundation for Cross-cultural Education and Research. This fund receives no applications.

3 Hamilton Landing  
Suite 230  
Novato, CA 94948  
TEL 415-882-7750  
FAX 415-883-8385

Sonnet Weeden, Ph.D.

but ecous and awards scholarships as an unexpected blessing to those who have talent and promise and carry an altruistic spirit.

**Clinical Experience:**

- 1980 - Present Private Practice, Novato and Petaluma, CA  
Providing brief and long-term outpatient psychotherapy to individual adults, adolescents, children as young as five years of age, seniors, couples and families. Assessment and treatment of chemical dependency. Consultation to churches, schools and school districts, private business and community organizations in the areas of team building, organizational behavior, conflict resolution and stress management. Group psychotherapy, including four ongoing, long-term women's groups and two ongoing, long-term mixed groups.  
Providing psychological evaluations for children, adolescents and adults and including the Wechsler Intelligence Scales, Rorschach Comprehensive System, MMPI-II, MCMI-III, MACI, MMPI-A, TAT, Bender-Gestalt and drawings. Assessments provided for City and County of San Francisco, Marin County Child Welfare Department, Child Protective Services of Marin and Sonoma Counties, Workers Compensation, State of California, Board of Registered Nursing and by referral from other mental health professionals, attorneys and insurers.
- 1985 - 1986 Phoenix Program at Petaluma Valley Hospital, Petaluma, CA  
Clinical psychology internship at inpatient treatment facility for chemically dependent adults. Provided individual, group and couples therapy on inpatient ward; lectured; performed psychological evaluations; directed aftercare program for patients out of the hospital for 90 days or more.
- 1981 - 1982 Catholic Social Services, Santa Rosa, CA  
Marriage, Family, Child Counselor Internship. Provided outpatient treatment for wide variety of clients.

**Teaching and Consultation Experience:**

- 2001 - present Member Mandatory Continuing Education for Psychologists Accrediting Committee - One of three "Third Reviewers" in the state of California for California Psychological Association ruling on contested applications to provide continuing education for psychologists.
- 2001 - present Featured presenter at Mineral Wellness Center, Tucson, AZ on Integration of Spirituality in Group Therapy, Laxota Medicine, Women's Sexuality and Body Image, and Interpretation of Dreams.
- 1998 - present Administrative Director of Continuing Education - Sierra Tucson,

2/17/04  
revised

Page 2 of 2



Sonnet Weedin, Ph.D.

- Tucson, AZ - Directing the delivery of continuing education for Registered Nurses, Psychologists, Licensed Clinical Social Workers and Marriage and Family Therapists in the area of group psychotherapy, couples therapy, dream interpretation, the integration of spiritual issues into psychotherapy and eating disorders, etc.
- 1989 - present Provider of Continuing Education for Licensed Psychologists, Registered Nurses, Marriage and Family Therapists and Licensed Clinical Social Workers on Group Psychotherapy as Transformational Experience, Integration of Spiritual Issues in Group Psychotherapy and Integration of Dream Interpretation in Group Psychotherapy.
- 1987 - present Owner of Sacred Calling Productions  
 Presentation of workshops and retreats for individuals and couples to enhance spiritual development and psychological well-being.  
 Providing training for Mental Health Clinicians in Group Psychotherapy as Transformational Experience. Yearly week-long training in Puerto Valeriz, Mexico and Santa Fe, New Mexico.  
 Special events in the past have been sponsored by Sierra Tucson Hospital, Tucson, AZ and have included "The Heroine's Journey", "Archetypes of Healing and Wholeness", "The Power of Two", and "The Medicine Wheel as Sacred Space".
- 2004 Retreat leader and facilitator for Employee Assistance Personnel, Chevron/Teneco
- 2002 Retreat leader for staff of Meritt General Hospital Psychiatric Unit.
- 2000 Featured presenter of Northern California Group Psychotherapy Society - "An Evening with the Masters"
- 2000 Provider of Continuing Education for Northern California Group Psychotherapy Society - Women's Group Psychotherapy
- 2000 Featured presenter Northern California Group Psychotherapy Society Allomar Conference
- 1999 - 2000 Provider of Continuing Education for Department of Psychiatry, Kaiser-Permanente, Santa Rosa, CA - Group Therapy and Clinical Interviewing.
- 1988 - 2000 Consultant to Meritt County Child Sexual Abuse Treatment Program in Group Psychotherapy and Clinical Interviewing.

2/4 7/04  
 revised

Page 3 of 8

Sonnet Weedn, Ph.D.

- 1998 Consultant to Family Law Judges and Mediators of Sonoma County in the use of psychological assessments received by the court.
- 1986 - 1998 Contributor to feature articles on various topics related to mental health in The Quarterly magazine of Alpha Gamma Delta Fraternity.
- 1999 - 2001 Board of Psychology - oral examination commissioner
- 1985 Instructor, Sonoma County Bar Association - Alcoholism and Chemical Dependency (continuing education provider)
- 1982 - 1998 Partner - Lydia, Caro, Weedn, Inc.  
 Presenting psychotherapeutic and educational retreats - employing large and small group therapy, psychodrama, play therapy, milieu therapy, meditation instruction and practice, family genogram and art therapy.
- 1986 - 1987 California Graduate School of Family Psychology, Corte Madera, CA  
 Taught the lab section of the psychological assessment class.
- 1983 - 1985 PCG Seminars, Pasadena, CA  
 Taught case presentation skills to MFCC interns; taught seminars for professionals on child abuse: detection, reporting and treatment.

**Forensic Experience:**

- 1994 - present Custody Evaluator, Marin County, CA, Sonoma County, CA, Napa County, CA, Alameda County, CA, and Contra Costa County, CA  
 Court stipulated evaluator in child custody cases requiring psychological assessment and recommendations.
- 1982 - present Admitted as expert witness in various jurisdictions, including Sonoma County, Marin County, Contra Costa County, Solano County and Sacramento County in areas of child abuse, child custody and dependency, reliability of child witnesses, and psychological assessment.
- 1982 - present Deposition taken approximately twenty-five times in variety of cases.
- 1993 - 2001 Consultant, Probation Department - Civil Custody Unit, Sonoma County, CA  
 Providing monthly consultation to Probation Officers regarding disposition of high conflict, complex child custody cases. Approximately 900 cases reviewed and decided.

2/17/04  
 revised

Page 4 of 8

Sonoco Weedn, Ph.D.

**Recent Related Training:**

- Relevant Research for Custody Evaluators and Attorneys (3.5 hours)
- Psychological and Legal Issues in Relocation Cases (3.5 hours)
- Domestic Violence Update 2003 (4 hours)
- Addiction as Coping (3 hours)
- Cultural Considerations in Addiction Treatment (3 hours)
- Jung and Shamanism: Retrieving the Cultural Soul (6 hours)
- Report Writing and Testifying for Custody Evaluators (4 hours)
- Child Development Issues for Custody Evaluators (3.5 hours)
- Understanding Assessment & Working with High Conflict Families (3.5 hours)
- Domestic Violence Issues in Family Law (4 hours)
- Group Psychotherapy: Removing Barriers to Relationships Through Trauma Resolution Therapy (3 hours)
- Ethics & Risk Management Issues in Child Custody Evaluations and Family Law (8.5 hours)
- Alienation Issues for Child Custody Evaluators: Assessment and Treatment (4 hours)
- Sexual Abuse Assessment for Child Custody Evaluators (3.5 hours)
- Group Psychotherapy as Transformational Experience: You the Healer (32 hours)
- Rorschach Interpretation: Child and Adolescent (18.5 hours)
- Advanced Rorschach Interpretation (8.5 hours)
- Group Psychotherapy as Transformational Experience (31 hours)
- Women's Group Psychotherapy as Transformational Experience (31 hours)
- Law and Ethics for Psychologists (4 hours)
- Advances in the Treatment of Attention Deficit Disorder in Children and Adults (7 hours)

2/17/04  
revised

Page 1 of 3



Sonner Weedin, Ph.D.

Domestic Violence: Psychological and Legal Dimensions (14 hours)

Domestic Violence: Yearly Legal Updates (4 hours per year)

Advanced Rorschach Interpretation: An Update for Clinical Practice (21 hours)

Substance Abuse Professional (DOT) (7 hours)

The MAMP-II and Rorschach in Court (7 hours)

HIV and AIDS Assessment and Training (7 hours)

Dreams, Life Transitions and Archetypes (8 hours)

EMDR: Level I and Level II (28 hours)

Rorschach Assessment of DSM-IV Personality Disorders (14 hours)

MMPI-III and Rorschach Workshop (3.5 hours)

Post-Traumatic Stress Disorder: use of MMPI in Treatment Planning (3.5 hours)

MACI Workshop (2 hours)

MMPI-III Workshop (2 hours)

Group Psychotherapy Training Institute (12 hours)

Group Psychotherapy Training in Psychodrama, Women's Groups, Action  
Techniques for Verbal Therapists and Shame and Sexual Molestation (12  
hours)

Psychosynthesis: Integration of Psychotherapy and Spiritual Issues (8 hours)

Professional Associations:

- American Psychological Association
- California Psychological Association
- Marin County Psychological Association
- Society for Personality Assessment
- Northern California Group Psychotherapy Society
- Life Member - National Registry of Who's Who 2000

References Available upon Request

2/17/04  
revised

Sonnes Weedin, Ph.D.  
A Professional Corporation  
Clinical Psychology and Assessment  
PSY 12138

November 28, 2004

George MacKoul, Esq.  
Sabbath and MacKoul  
48 Locust Street  
Falmouth, MA 02540

**RE: Rachel Lomas and Amber Lomas**

Dear Mr. MacKoul:

This report is submitted in compliance with your request for an independent psychological evaluation of Rachel Lomas, age 16, and her sister, Amber Lomas, age 13, in order to provide you with information that would be useful in determining their current mental state and any current or future need for mental health services. My findings and recommendations are based upon clinical interviews, psychological testing, and review of records itemized below.

**Sources of Information:**

**Clinical Interviews and Psychological Testing:**

Amber Lomas – I met with Amber Lomas on November 12, 2004, for approximately three hours. During this time she was interviewed and administered The Rorschach: Comprehensive System, The Millon Adolescent Clinical Inventory, and the Minnesota Multiphasic Personality Inventory – Adolescent version.

Rachel Lomas – I met with Rachel Lomas on November 12, 2004, for approximately three hours. During this time she was interviewed and administered The Rorschach: Comprehensive System, The Millon Adolescent Clinical Inventory, and The Minnesota Multiphasic Personality Inventory – Adolescent version.

I spoke very briefly with the sister's mother, Ms. Machado, to explain what my procedures would consist of and what she could expect for the day of evaluation and to obtain her permission for the evaluation process.

**B: Records Reviewed:**

A letter and case notes from Diane L. Stephens, R.N., M.F.T., dated August 30, 2004.

Seneca Weedn, Ph.D.

A deposition of Amber Lomas, dated October 7, 2004.  
A deposition of Rachel Lomas, dated October 6, 2004.

A report from Johnny Smith Investigations dated October 20, 2004.

Notes made by George MacKoul from the deposition of Yvonne McLoughlin, M.F.T.

Progress notes for Yvonne McLoughlin, M.F.T., dated September 11, 2001.

**Introduction:**

This report will begin with a brief introduction and statement of the issues under consideration in this evaluation, followed by a report of my clinical evaluations of the individual family members. I will also present information from any relevant information from my review of records. Lastly, I will integrate the findings and make recommendations.

**Evaluation of Amber Lomas**

**Psychological Procedures:**

Clinical Interview, The Rorschach: Comprehensive System, The Minnesota Multiphasic Personality Inventory-II (MMPI-A), and The Millon Adolescent Clinical Inventory (MACI), and review of records.

**Social History:**

Amber Lomas is a thirteen-year-old girl, currently living with her mother and an older and younger sister in Hughson, CA. She is in the 8<sup>th</sup> grade at Sacred Heart School in Turlock, CA. She transferred to this school from her previous middle school because her grades had dropped and she was associating with children whom her mother judged to be a poor influence on her. At her new school, she is doing better. She believes it was a good move.

Amber's parents are divorced and she reports that she is glad of that fact because her father, Rosalio Machado, was physically abusive to her mother and to the children. Amber says that she does not see him often and does not want to see him because of his abusive behavior. Her mother retains sole physical custody of all the children.



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She is involved in several extra-curricular activities, including raising a meat goat for 4-H.

It is critical to note in understanding this child that Amber comes from a devoutly Catholic family and is used to attending Mass on almost a daily basis. Her daily life and the culture of her family are steeped in religious faith that permeates most aspects of her thinking and value system. She has been an active participant in all phases of Roman Catholic religious life as has been age-appropriate (catechism, altar-serving, first communion, confession, etc.).

**Behavior During Evaluation:**

Amber Lomas was pleasant and cooperative throughout the process of evaluation. She was shy, but friendly. She appeared forthcoming in all of her answers to my queries. She stated that she has a "good" relationship with her mother. She reports that she has angry outbursts at times that she cannot account for (her mother affirmed this). She believes that she is doing better in school since she moved to Sacred Heart School.

Amber reported that the process of her deposition was very stressful to her. She stated, "It was hard. Sometimes I didn't understand and they jumped from subject to subject."

When asked about her dealings with Father Ilio, she was vehement in stating that the most upsetting thing for her was that he lied to her face about his relationship to her and her family, that she was fired from her job altar serving with no real explanation to her, and that he angrily accused her family of stalking him in front of other parishioners, which was humiliating and seemingly untrue. His handling of her attempt to receive help from him regarding her discomfort and concerns about Father Francis were especially traumatizing and disconcerting to her. She could not understand why he betrayed her and was angry with her. Amber became tearful, but tried to hold back her tears when discussing the details of these events.

From Amber's standpoint, Father Ilio was her priest, a vaunted position denoting his deserving of the utmost respect and trust. He was her confessor and a family friend.

Amber stated that she does no longer receive communion on a regular basis. She said that one should not receive communion without first going to confession. She can only bring herself to go to confession about once a month. She stated that it is frightening for her to go to confession now because it means being alone in the confessional with a priest. She says that she has

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worked out a system in her own mind whereby she makes her confession directly to God and then says an Act of Contrition in order to feel that she is doing what she is supposed to do to honor the requirements of her religion.

Results are believed to be an accurate reflection of her current level of psychological functioning.

#### **Cognitive Aspects:**

No tests of cognitive ability were given. Amber was oriented times four and alert. It would appear from observation that Amber falls into at least the Average Range of intelligence when compared to the general population. No signs of cognitive slippage or other cognitive difficulties were noted.

#### **Emotional Aspects:**

Psychological testing indicates that Amber Lomas is capable of attending to her own experience in a reasonably open and flexible manner. She shows an adaptive balance between being able to deal with situations in a detached and uninvolved manner sometimes, and, at other times, in a concerned and engaged manner.

She appears extremely committed to seeing the world accurately. She is consequently capable of perceiving people and events realistically, but she is also likely to be highly precise in the impressions she forms of situations. Only rarely will she allow herself the risk of forming an impression that may be inexact.

Her thinking is logical and coherent, and she is, for the most part, as capable as most people of her age of coming to reasonable conclusions about relationships between events and of maintaining a connected flow of associations in which ideas follow each other in a comprehensible manner.

Amber's personality pattern is submissive, dependent, and of the type that seeks affection, attention, and security. Her fear of abandonment often leads her to be overly compliant within her family and obliging with her peers. She may act at times in a socially gregarious and charming manner to attract the positive attention of others. She is likely to be quite naive and immature about interpersonal and social matters and to show thinking that is more childlike than others her age. When she is faced with family or peer tensions, she is likely to try to be superficially untroubled and buoyant, seeking to deny in a Pollyanna way all disturbing emotions or inner discomforts. In her heterosexual relationships she is likely to be immaturely admiring and accommodating.

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Despite her need to ally herself with the leadership and competencies of family and friends, she is not sure that these relationships will fulfill her needs fully or even protect her against loss. Because of her disillusionment with others, she has become alert to signs of potential hostility and rejection and seeks to minimize the dangers of their indifference and disapproval.

There are significant indications that situational stress is making more demands on her adaptive capacities than she is ordinarily required or accustomed to confront, and this may be reducing her usual level of effectiveness in making decisions and pursuing courses of action. Her excess situational stress is being imposed on a pre-existing stimulus overload, resulting in considerable vulnerability to becoming upset, anxious, and disorganized. Insufficient psychological resources to meet the demands she is experiencing are also likely to impair her capacity for self-control and to create a marked tendency toward impulsiveness.

Amber was already in a state of stimulus overload resulting from persistent difficulty in mustering adequate psychological resources to cope with the demands being imposed on her by external and internal events in her life. Consequently, she is at risk for recurrent episodes of overt anxiety, tension, nervousness, and irritability. She is at risk for becoming psychologically incapacitated (at least temporarily) and for appearing to others as noticeably agitated and distraught to others.

Though her testing indicates that she has the adaptive capacity to anticipate and establish close, intimate, and mutually supportive relationships with other people, she shows a propensity to appear awkward or inept in social situations. Though she seeks to acquire a measure of independence and maturity, she feels helpless when faced with adult-like responsibilities that demand autonomy or initiative. The loss of a significant source of support or identification may prompt severe dejection on her part. At these times, she will openly seek signs of reassurance. Guilt, illness, anxiety, and depression may be frankly displayed. In addition, she claims greater distress concerning sexuality than is typical for her age. She reports feelings of confusion and unhappiness in this area.

It is clear from the testing that Amber is experiencing episodes of affective disturbance involving depression. Though she may not complain of feeling depressed, indications point to her being disposed to affective malaise that interferes with her ability to function effectively. In addition, she feels atypically apprehensive and she may be experiencing an anxiety disorder.



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### Evaluation of Rachel Lomas

#### Psychological Procedures:

Clinical Interview, The Rorschach: Comprehensive System, The Minnesota Multiphasic Personality Inventory – Adolescent version (MMPI-A), and The Millon Adolescent Clinical Inventory, (MACI), and review of records.

#### Social History:

Rachel Lomas is sixteen years old and attends Hughson High School, where she is a junior. She is the eldest daughter of her parents, who are now divorced. She states that she is close to her mother and has a good relationship with her. She says that her mother supports her activities, which include FFA, keeping animals, sports, and 4-H.

She states that when her father lived with them it "was a living hell." He apparently became angry "over stupid things", and if anyone argued with him he became violent. Her mother has sole physical custody of her and her sisters. She says that she sees her father twice a month when he comes by to drop off money for them. Nowadays he is pleasant toward them, but she has no desire to see him or interact with him. She reports that he does not seem to want to see her or her sisters very much.

She does not currently have a boyfriend and says she does not want this type of relationship at the current time.

It is important in understanding this young woman to know that, like her sister, she comes from a family, which is devoutly Catholic. The theology of the church is held sacrosanct, and Rachel has been taught to hold priests in very high regard, believing that priests are called by divine inspiration to the priesthood. In her particular case, having survived the domestic violence and physical abuse of her father, she and the other members of her family looked to the church and its environs as especially important to their sense of safety and coherence. She was used to attending Mass almost every day and had been a regular altar server until she was fired from that job without explanation. Both she and her sister reported altar serving as one of their favorite things to do.

#### Behavior During Evaluation:

Rachel was pleasant and cooperative during the course of the evaluation. Her story regarding what had transpired with Father Illo and Father Francis was

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essentially as she reported it in her deposition. Therefore, the reader is directed to her sworn deposition for these details. However, Rachel emphasized that Father Francis made her uncomfortable from his first visit to their home. She had tried to distract him from tickling her sister, because this activity was making her uneasy. She stated that it had all happened very quickly and she could not really recount the exact sequence of events because it had happened so fast. In her view, one minute she was distracting Father Francis from Kollieen and the next minute he was on top of her and grabbing her breast. She stated that she had kept this all a secret because she thought no one would believe her because "priests are supposed to be holy people".

Rachel was clearly agitated as she was queried about these various events. Her body language was closed and she became tearful when speaking about not being willing to participate in the sacrament of confession anymore. This should preclude her from participating in the sacrament of holy communion, however, she does receive communion once a month without going to confession. She said that she just hoped no one would stop her from doing this as she cannot tolerate the idea of being alone with a priest in the confessional.

Rachel was also tearful when speaking of having been barred from altar serving. She said, "I loved to serve. I loved being on the altar. I was an active participant in worship and now I can't do it." She said that she would prefer to never see Father Illo again, given his betrayal of her and her family. She said that she had gotten "the vibe of his attraction to my mom" after several years of his friendship with the family. She was quite distressed about his humiliating her mother outside of church by accusing her of gossiping about him. According to Rachel, who overheard the women's conversation, they were actually talking about rosaries they were going to make. Rachel moved her sisters away when father Illo began yelling, but she believes they heard him.

Results are believed to be an accurate description of her current level of psychological functioning.

#### **Cognitive Aspects:**

No test of intellectual functioning was given, however it can be assumed that Rachel is functioning in the Above Average or Superior Range of intelligence when compared to the general population based on observation and her reported grades in high school.

She was oriented times four and alert. There were no indications of cognitive slippage or other neurological difficulties.

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**Emotional Aspects:**

Psychological testing indicates that Rachel is capable of attending to her experience in a reasonably open and flexible manner that constitutes a personality asset. She shows an adaptive balance between being able to deal with situations in a detached and uninvolved manner and, at other times, in a concerned and engaged manner.

She demonstrates fairly good abilities to form accurate impressions about herself, to interpret the actions and intentions of others without distortion, to adequately anticipate the consequences of her own actions, and to correctly construe what constitutes appropriate behavior in various kinds of situations. Her adequate reality testing constitutes a personality strength.

She shows a potentially adaptive repertoire of styles for experiencing and expressing affect in which she modulates emotions in much the same way as most people.

She shows an adaptive capacity to establish close, intimate, and mutually supportive relationships with other people. Nevertheless, her limited social skills make it difficult for her to sustain and enjoy interpersonal attachments. She reports that it is very difficult for her to be around other people, and she much prefers to be alone now. She frequently avoids situations where there are likely to be a lot of people. She reports having difficulty making friends and she does not like to meet new people. She seems less capable than most people of dealing effectively with everyday experience, especially with respect to social situations.

Rachel is experiencing a fair amount of stress that is giving rise to unpleasant affect and makes her susceptible to depression. Her scores on testing suggest that she flattens her emotions in an effort to deaden apprehensive and fearful mistrust of others. She exhibits shyness and a chronic social awkwardness that stems from a pattern of avoiding close peer and family relationships. Her desire is for closeness and affection, but this has been self-protectively restrained so severely that there is little spark and vitality to her current existence. Despite her efforts to dampen feelings, she experiences both anxiety and depression. Her thoughts about her self-esteem and social life are often so painful as to be intentionally confused. She is over-concerned with social rebuff and is ever ready to anticipate rejection.

Rachel shows a chronic self-deprecation of aptitudes and a needy and dependant search for supportive persons or institutions. Despite her

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unrequited desire to be accepted and cared for, she has felt it best to bury these needs and maintain a safe distance from others who may prove hurtful. She has learned to fade into the background, assuming a passive role, and willingly submitting to the expectations of others. As a consequence, she is likely to have withdrawn into increasing peripheral social, academic, and social roles. Her self-image of being unattractive and undesirable makes ordinary demands and relationships often seem frightening and potentially dangerous. In addition to her expectation of humiliation, her withdrawal may stem from low energy, anxiety, restrained anger, and depression and hopelessness. Sadly, Rachel reacts to her deep frustration and unhappiness by becoming self-punitive, self-demeaning, and hypersensitive to her shortcomings. She shows diminished capacity for pleasure, sleep difficulties, problems with appetite, and she may have periodic thoughts of suicide.

#### Discussion:

The discussion section is meant to shed light on the circumstances of both Amber and Rachel Lomas.

In evaluating these sister's current situation and need for current or future mental health services, it is important to keep several factors in mind. First of all, these girls have experienced the trauma of domestic violence in their family. They have a very poor, if currently peaceful relationship with their biological father, who is easily nettled and prone to violence when someone disagrees with him. In addition, there is apparently a restraining order against the paternal grandparents, as they have been deemed a threat to the family safety. This state of affairs reduces the pool of supportive adults for these girls. It is to their mother's credit that she was able to leave this marriage. It is good modeling for her girls, as it is a well-known fact that many, if not most, victims of domestic violence do not leave their abusers. Since she had little work experience, this took courage and determination.

During this very stressful time, this family took refuge in their church. They were deeply involved and faithful participants in the life of the church. This was at a time when they were all extremely vulnerable and had turned to the church as a place of safety, support, community, and meaning. Adults in this type of stressful situation typically seek guidance, healing, companionship, and community from their church. Children and adolescents seek stability, structure, and a place to belong. Male clergy often fill the role of a father for children who have been abandoned or brutalized by their own fathers.

It would appear from the sworn statements of Rachel and Amber Lomas and the evidence in their psychological profiles showing them to be generally



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forthcoming and highly moralistic girls, that there was misconduct on the part of both Father Illo and Father Francis that has traumatized them both. It is important to note that for the victims of clergy abuse, there are a plethora of variables that complicate a prognosis: age at time of abuse, frequency and severity of abuse, prior history of abuse, educational level, economic resources, etc. All of these variables need to be addressed when treating a survivor of abuse by a spiritual leader. But what makes abuse of any kind by a spiritual leader different from other forms of trauma is the crisis of faith that is inherent in this form of abuse, and which is so obvious in the interviews with both girls.

People who survive this type of abuse are usually left confused or angry with God. Some reject their religion altogether. For many persons of faith, there is an assumed reverence that is given to a spiritual leader. The culture of most religions tends to foster this reverence. Catholic theology teaches that the priesthood is the sacrament of Holy Orders, whereby God calls a man to the priesthood. This call is believed to be divinely inspired. Spiritual leaders are assumed to have an enlightened spirituality, are more knowledgeable about religion, or are considered to be "holy". Again, this view was evident in the interviews with both girls. It is because of this perceived position or perceived special relationship with God that abuse in this milieu can be so catastrophic. When individuals are abused and betrayed by their spiritual leader, many feel abused and betrayed by their God. Any treatment should include an assessment of the impact of the abuse on their relationship with their God and the effects that impact has had on their lives.

Clearly, both girls have been significantly impacted by the events that occurred in their relationships with Father Illo and Father Francis. The disclosure of the problem with Father Francis by Amber to Father Illo was horribly mishandled, worsening an already difficult and damaging situation, and further traumatizing Amber. Sadly, the actions of Yvonne McLoughlin, MFT, in her professional capacity, further muddled the waters, harming Amber, and enabling Father Illo to proceed with his maltreatment of Amber. The behavior of the adults in charge of this situation was largely unhelpful, at the least, and further damaging, at the worst. Subsequent to the events of September 11<sup>th</sup>, there was further emotional abuse in the form of the girls being dismissed from altar serving, with no explanation, being made to feel unwelcome in the church, and witnessing verbal/emotional abuse of their mother by Father Illo on church property.

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### Recommendations

#### For Amber Lomas:

- 1) Amber should be evaluated by a psychiatrist to determine if medication is indicated to treat her diffuse anxiety states, and to increase her alertness and vigor. She is plagued by fatigue, lethargy and anxiety.
- 2) Environmental changes, recommended in the testing, in the form of a change of schools have already been implemented. Any determination of damages should take into consideration the need for a change of schools due to her faltering emotional state at the time of the change.
- 3) Long-term psychotherapy is indicated with a clinical psychologist well versed in post-traumatic stress disorder and clergy abuse. The indications for long-term therapy are Amber's excessive dependency and willingness to subjugate herself to anyone she perceives to be strong, helpful or an authority. This extreme submissiveness is problematic. She will resist any overt pressure toward independence and will require slow, gentle progression toward independence and autonomy. Breaking her dependency bond (which she will, hopefully develop with her therapist) too soon can only precipitate intense emotions or erratic behavior. This type of therapy is typically not included in insurance coverage by HMO's and other managed care and will typically cost from \$90 - \$135 an hour. Some treatments for trauma require hour and a half sessions. Weekly psychotherapy is indicated for a period no less than eighteen months at this time. There will likely be a further need for therapy at various developmental milestones in the future, such as when dating commences, when leaving home for the first time (for marriage, job, college, etc.), at the time of further religious sacraments for herself or her children. It will be ideal if Amber can return to therapy on an "as needed" basis whenever she needs to. It is well known that trauma occurring during the development of the brain (in childhood) predisposes victims to the very problems Amber is experiencing (anxiety, dependency).

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**For Rachel Lomas:**

- 1) It is imperative that Rachel be evaluated by a psychiatrist to determine if medication is indicated to treat the depression and anxiety evident in her psychological evaluation.
  
- 2) It is recommended that Rachel be seen in weekly psychotherapy by a clinical psychologist well versed in the treatment of post-traumatic stress disorder and clergy abuse. This treatment should commence immediately and continue for a minimum of eighteen months. Treatment should focus on countering her withdrawal tendencies, poor interpersonal skills, and diminishing her self-deprecating thoughts and behaviors. As noted previously, psychotherapy with a psychologist generally costs between \$90-\$135 an hour. Some treatments for trauma (such as EMDR) run an hour and a half a session. Rachel will require considerable support at developmental milestones, which will occur when she begins dating, leaves home for college or other pursuits, and especially in her dealings with men who are important to her (husbands, bosses, etc.). It will be ideal if Rachel can return to therapy on an "as needed" basis at these various potentially stressful times.

If there are further questions you may have regarding my evaluation and recommendations in this case, please call me directly.

Signed,



Sonnee D. Weedn, Ph.D.

# EXHIBIT B



## CURRICULUM VITAE

### Thomas Patrick Michael Doyle

Thomas Doyle was born August 3, 1944 in Sheboygan WI, the son of Michael Doyle and Doris Mellenthain. He was baptized Patrick Michael Doyle. He is the eldest of three children. He attended primary and secondary school in Ogdensburg NY and Cornwall, Ontario. Undergraduate studies were at Wadhams Hall College, Ogdensburg NY, and Loras Collège, Dubuque, Iowa. In August, 1964 he entered the Dominican novitiate at Winona MN and was given the religious name of Thomas. He pronounced simple vows on August 16, 1965 and solemn vows on August 16, 1968.

Graduate studies in philosophy and theology took place at Aquinas Institute of Philosophy, River Forest IL and Aquinas Institute of Theology, Dubuque IA respectively. He pursued graduate studies in Political Science at the University of Wisconsin and graduate studies in Canon Law at the Gregorian University, Rome, Catholic University of America, the University of Ottawa and St. Paul's University, Ottawa. He was ordained a Catholic priest in the Dominican Order on May 16, 1970 in Dubuque, IA. Although he has had only one assignment as a full-time parish priest in civilian parishes, he has consistently worked in parishes on a part-time basis since the time of ordination to the priesthood.

After completing graduate work in theology and several months of clinical pastoral training, he was assigned as an associate pastor in River Forest IL. In 1974 he was appointed an advocate for the Metropolitan Tribunal of the Archdiocese of Chicago. In 1976 he was appointed a judge in the same tribunal. In 1981 he was asked to serve as secretary-canonist at the Vatican embassy in Washington D.C., a post which he held until early, 1986. On June 16, 1986 he was commissioned a reserve officer in the U.S. Air Force. His reserve Air Force assignments were at Dover AFB, Dover DE and Andrews AFB, Maryland. Air Force training took place at Lackland AFB, Texas and Maxwell AFB in Alabama. His active duty assignments have been at Grissom AFB, IN, Hurlburt Field, FL, Lajes Field, Azores, Tinker AFB, OK and Ramstein AB, Germany and Seymour Johnson AFB, North Carolina.

He has had extensive teaching experience in Canon law as a visiting lecturer at Catholic University of America and the Chicago Theological Union. He has also been a lecturer at the Matrimonial Tribunal Institutes of Catholic University of America and Mundelein Seminary as well as at the Institute for Spirituality in River Forest IL.

As a member of the canon law Society of America he served one term as member of the board of governors and three terms as chairman of the Marriage Research Committee. He was asked by the society to be the author of the section on marriage in the commentary prepared on the revised Code of Canon Law. He was also asked by the Commission for the Authentic Interpretation of the Code of Canon Law of the Holy See to prepare the footnotes on marriage for the annotated edition of the Code of Canon Law.

Fr. Doyle has given lectures and seminars on various aspects of Church Law throughout the United States, Canada, Australia and New Zealand. These have included topics in the areas of matrimonial jurisprudence, procedural law, penal law, religious law, property law as well as the theology of marriage among others. In 1986 he was the featured lecturer at the annual convention of the Canon Law Society of Australia and New Zealand.

In late 1984 he became involved with the issue of sexual abuse of children by Catholic clergy while serving at the Vatican Embassy. Since that time he has developed an expertise in the canonical and pastoral dimensions of this problem. He has worked with victims of abuse and their families, priests accused of abuse, bishops and superiors of religious institutes on this issue. He has developed policies and procedures for dealing with cases of sexual abuse by the clergy for dioceses and religious orders in the United States, Canada, Australia and New Zealand. In the capacity as an expert in this area, he has delivered lectures and seminars for clergy and lay groups throughout the U.S. In 1988 he appeared as an expert witness before the legislature of the State of Pennsylvania concerning that State's child protective legislation. He has also served and continues to serve as a consultant/court expert in cases of alleged

sexual abuse by the clergy throughout the United States, Canada, Ireland, Israel and the United Kingdom.

In recognition of his advocacy work for the victims of Catholic clergy sexual abuse Father Doyle received the Cavallo Award for Moral Courage in 1992, the Priest of Integrity Award from Voice of the Faithful in 2002 and the Isaac Hecker Award from the Paulist Fathers in 2003. In June of 2003 he was issued an official commendation from the Dominican Fathers for his "prophetic work in drawing attention to clergy sexual abuse and for advocating the rights of victims and abusers."

#### ACADEMIC CREDENTIALS

- B.A.** Philosophy, Aquinas Institute of Philosophy, River Forest, IL, 1966
- M.A.** Philosophy, Aquinas Institute of Philosophy, River Forest, IL, 1968  
Dissertation: "Organized Religion in Marxist-Leninist Philosophy."
- M.A.** Political Science, University of Wisconsin, Madison, 1971,  
Dissertation: "Vladimir Lenin's Theory of Social Revolution."
- M.A.** Theology, Aquinas Institute of Theology, Dubuque, Iowa, 1971. Dissertation: "Liberation Theology in the Context of Social Needs in South America."
- M. Ch.A.** Administration, Catholic University of America, Washington, D.C., 1976
- M.A.** Canon Law, University of Ottawa, Ottawa, Ontario, 1977  
Dissertation: "The Canonical and Legal Foundation of the Dominican Order in Canada."
- J.C.L.** Pontifical Licentiate in Canon Law. St. Paul University, Ottawa, 1977.
- J.C.D.** Pontifical Doctorate in Canon Law. Catholic University of America, Washington, D.C., 1978. Dissertation: "Merital Fidelity in the Canonical Tradition of the Catholic Church."
- Diploma:** Squadron officers School, Air University, May, 1996
- Diploma:** United States Navy Drug and Alcohol Counselor School, October, 2000
- Diploma:** Air Command and Staff College, Air University, July 5, 2002

#### POSITIONS HELD

- 2003-04 Chaplain, USAF, Seymour Johnson AFB, North Carolina
- 2001-03 Chaplain, USAF, Ramstein AB, Germany
- 1997-01 Chaplain, USAF, Tinker AFB, Oklahoma
- 1995-97 Chaplain, USAF, Lajes Field, Azores
- 1983-95 Chaplain, USAF, Hurlburt Field, Florida
- 1990-93 Chaplain, USAF, Grissom AFB, Indiana
- 1991-93 Tribunal Judge, Diocese of Lafayette in Indiana

1993-95 Tribunal Judge, Diocese of Pensacola-Tallahessee and Archdiocese for the Military Services, U.S.A.

1986-90 Tribunal Judge and Special Assistant to the Archbishop, Archdiocese for the Military Services, U.S.A.

1985-80 Tribunal Judge, Diocese of Scranton, PA.

1981-86 Secretary-Canonist, Vatican Embassy, Washington, D.C.

1981-86 Visiting Lecturer in Canon Law, Catholic University of America, Washington, D.C.

1979-86 Faculty Member, Midwest Tribunal Institute, Mundelein Seminary, Mundelein, IL.

1978-86 Faculty Member, Tribunal Institute of the Catholic University of America, Washington, D.C.

1979-81 Visiting Lecturer in Canon Law, Catholic Theological Union, Chicago IL.

1978-81 Tribunal Judge, Archdiocese of Chicago, IL.

1974-76 Advocate and Defender of the Bond, Tribunal, Archdiocese of Chicago, IL.

1979-85 Faculty member, Institute of Spirituality, River Forest IL.

1971-74 Associate Pastor, St. Vincent Ferrer Parish, River Forest IL.

1970-71 Graduate Student, Aquinas Institute of Theology, Dubuque, Iowa.

1966-70 Theological studies, Aquinas Institute of Theology

#### OTHER POSITIONS HELD

1983-85 Consultant to the Canonical Affairs Committee of the National Conference of Catholic Bishops

1978-81 Member, Board of Governors, Canon Law Society of America

1979-86 Chairman, Marriage research Committee, Canon Law Society of America

1979-86 Editor, Marriage Studies, Washington D.C.

1982-88 Weekly columnist, Arlington Catholic Herald

1966-90 Consultant to the Canonical Affairs Committee of the National Conference of Catholic Bishops

1986 Director of the Institute of Spirituality, River Forest, IL

1971 Clinical Pastoral Training, Minnesota State Prison

## PUBLICATIONS: BOOKS

1. Comrades in Revolution. Dayton: Pflaum Press, 1959
2. The Understanding of the "Bonum Fidei" in the Church's Canonical Tradition. Washington, D.C.: Catholic University of America, 1978.
3. Rights and Responsibilities in the Church. New York: Pueblo Press, 1983.
4. The Homilist's Guide to Scripture, Theology and Canon Law. (With John Burke, C.P.), New York: Pueblo Press, 1987.
5. The Code of Canon Law: A Commentary. Leesburg VA: Catholic Home Study Institute, 1988.
6. Christian Marriage. Leesburg VA: Catholic Home Study Institute, 1989.
7. Meeting the Problem of Sexual Abuse Among the Clergy In a Responsible Way. (With Michael Peterson, M.D. and F. Ray Mouton, J.D.), Suitland MD: St. Luke Institute, 1985.
8. Sex, Priests and Secret Codes. With A.W.R. Sipe and Patrick Wall. Los Angeles: Bonus Books, 2004.

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2. "The Individual's Right to marry in the Context of the Common Good." Studia Canonica 13(1979), 245-302.
3. "Marital Breakdown: The Experience of the Tribunal." The Priest, September 1981.
4. "The Obligation of the Divine Offices." The Priest, February, 1980.
5. "The Contemporary Challenge to Christian Marriage." The Priest, November and December, 1981.
6. "Why Some Catholics Get Divorced." U.S. Catholic, August, 1980.
7. "The Effects of Marital Disintegration on Children." The Priest, June, 1981.
8. "The Relationship of Canon Law to the Catholic Family." The Priest, February, 1983.
9. "Sacramental Theology: Where We Are Today." The Priest, November, 1983.
10. "The Sacraments in the New Code." The Priest, November and December, 1984.
11. "The Contemporary Challenge to the Christian Family." The Exchange, Winter, 1980.
12. "The Internal Forum Solution." Phoenix, Summer, 1982.
13. "The Roman Catholic Church and Mixed Marriages." Ecumenical Trends, June, 1986.
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20. "Matrimonial Jurisprudence in the United States." Marriage Studies Vol. 2, Washington D.C.: Canon Law Society of America, 1982, 111-168.
21. "The Moral Inseparability of the Unitive and procreative Aspects of Sexual Intercourse in the Thought of Pope John Paul II." Marriage Studies, Vol. 3, Washington, D.C.: Canon Law Society of America, 1985.
22. "The Catholic Church and Marital Breakdown." The New Catholic World, February, 1986.
23. "The Canonical Status of Religious Institutes." Monitor Ecclesiasticus 110(1985), 227-245.
24. "The Theology of Marriage." Studia Canonica, 20(1986).
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29. "Marriage." in The Code of Canon Law: A Text and Commentary. New York: Paulist Press, 1985. P. 737-834.
30. "Ministry to the Military: Valid or Not." The Priest, June, 1987.
31. "Military Marriages: Some Special problems." Studia Canonica 21(1987).
32. "Military Marriages." Military Chaplain's Review, Spring, 1988.
33. "The Christian Vocation of Marriage." Handbook on Critical Sexual Issues. St. Louis: Pope John XXIII Center, 1983.
34. "The Clergy In Court: recent Developments." The Priest, July and August, 1990.
35. "Canon Law." 336 entries on Canon Law topics in The Concise Catholic Encyclopedia, Huntington IN: Our Sunday Visitor Press, 1990.
36. "The Rights of Priests Accused of Sexual Misconduct." Studia Canonica 24(1990).
37. "Canon Law." 274 entries in The Concise Catholic Dictionary, Huntington IN: Our Sunday Visitor Press, 1993.
38. "Healing the Pain." The Blue Book. Annual Proceedings of the National Catholic Council on Alcohol and Drug Related Problems, 1994.

39. "Privileged Communications in the Military." Hurlburt Field, FL, Chaplain Resource Board.
40. "Privileged Communications and Military Chaplains." USAF Chaplain Resource Board
41. "Roman Catholic Clericalism, Religious Duress and Clergy Sexual Abuse." Pastoral Psychology, 51(2003).
42. "Catholic Clergy Sexual Abuse Meets the Civil Law." Fordham Urban Law Journal Jan. 2004.
43. "Canon Law: Failure from Above," in Sin Against the Innocents, Thomas Plante, editor, Greenwood Publishing Group, March 2004.

#### PROFESSIONAL MEMBERSHIPS

Canon law Society of Great Britain and Ireland  
Canon law Society of Australia and New Zealand  
Canadian Canon law Society  
Societe Internationale de Droit Canonique  
National Rifle Association  
Titanic Historical Society  
Aircraft Owners and Pilots Association  
Warbirds of America  
Experimental Aircraft Association  
Phi Alpha delta law Fraternity  
Professional Association of Dive Instructors

#### MILITARY AWARDS AND DECCRATIONS

National Defense Medal (2x)  
NATO Service Medal  
Kosovo Campaign Medal  
Armed Forces Service Medal (2x)  
Armed Forces Expeditionary Medal (2x)  
Humanitarian Service Medal  
Military Outstanding Volunteer Service Medal

Air Force Achievement Medal (2x)

US Army Achievement Medal

Air Force Commendation Medal (3x)

Meritorious Service Medal (3x)

"Most Distinguished Graduate," US Navy Drug and Alcohol Counselor School

**MISCELLANEOUS**

Winner of the 1992 Caveito Award for Moral Courage in Government and Business

Major, United States Air Force, Active Duty

Member, Order of the Desert Legion (US Army)

FAA licensed pilot, multi-engine, commercial and instrument rated

P.A.D.I. certified Master Scuba Diver, Divemaster, Rescue Diver

"Priest of Integrity Award" from Voice of the Faithful, July, 2002

Isaac Hecker Award for Achievements in Social Justice, 2003

Certified Alcohol and Drug Abuse Counselor (CADAC)

**PRESENT ADDRESS**

Thomas Doyle  
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**NEXT OF KIN**

Kelly Ann Tabin (Sister)  
2013 Wedgewood Dr.  
Grapevine TX 76051  
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Shannon Mary Browning (Sister)  
3606 Cranwood Dr. NW  
North Canton OH 44720  
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# EXHIBIT C



January 2005

## Curriculum Vitae

## A.W. RICHARD SIPE

## EDUCATION

- Loyola College, Baltimore, Maryland, MS 1980
- The Seton Psychiatric Institute, Baltimore, Maryland, Certificate-Resident in Counseling of Religious 1965-1967
- The Menninger Foundation, Topeka, Kansas, Certificate in Counseling 1964-1965
- Saint John's Seminary, Collegeville, Minnesota, Ordained Roman Catholic Priest (M.Div. Equiv.) 1957-1959
- Collegio Sant' Anselmo, Rome, Italy 1955-1957
- Saint John's University, Collegeville, Minnesota — BA 1950-1955
- Saint John's Preparatory School, Collegeville, Minnesota 1946-1950

## CERTIFICATION

- Psychiatrist Assistant Registration No. S-00001 The Maryland State Board of Medical Examiners 1982-2000
- National Certified Counselor (NCC) Certificate #03879 1983-2000
- National Academy of Certified Clinical Mental Health Counselors (CCMHC) Certificate No. 183 1981-2000

## PROFESSIONAL POSITIONS

- Pastoral Counselor (Volunteer) Owen Clinic, University of California at San Diego 2000-
- Psychiatrist Assistant (State of Maryland) 1982-1999
- Consultant, Task Force on Sexual Abuse — St. John's Abbey & University, Collegeville, Minnesota 1993-1994
- Supervisor in Family Therapy — Child and Adolescent Fellows Program, Johns Hopkins Medical School Department of Psychiatry 1989-1991
- Counselor, (Private Practice Associates) 1970-1982
- Staff, Consultation Center for Clergy and Religious Archdiocese of Baltimore 1978-1982

- Consultant in Family Therapy North Baltimore Mental Health Center 1978-1980
- Counselor, Loyola College Counseling Service (Acting Director 1974) 1971-1979
- Consultant to the Program of Psychiatry and Religion, Spring Grove State Hospital, Baltimore, Maryland 1969
- Personnel Director, St. John's Abbey 1965-1970
- Director of Family Services, the Seton Psychiatric Institute, Baltimore, Maryland 1967-1970
- Executive Director, Saint John's University Institute for Mental Health, Collegeville, Minnesota 1965-1969
- Counselor, Saint Boniface High School, Cold Spring, Minnesota 1959-1964

#### ACADEMIC APPOINTMENTS

- Instructor in Psychiatry (part-time), John's Hopkins School of Medicine, Department of Psychiatry, Baltimore, Maryland 1972-1997
- Adjunct Professor, Pastoral Counseling, Saint Mary's Seminary and University, Baltimore, Maryland 1972-1984
- Adjunct Associate Professor of Psychology Loyola College, Baltimore, Maryland 1971-1975
- Assistant Professor of Pastoral Counseling, St. John's University, Collegeville, Minnesota 1967-1970
- Lecturer in Pastoral Counseling, Woodstock College, Woodstock, Maryland 1968-1970

#### ARTICLES

- "Cincinnati's 30 pieces of silver," The National Catholic Reporter, December 12, 2003
- "Does the Church Really Care," Corpus Reports, September/October, 2003.
- "Abuse: From the Eye of the Storm," Bread Raising, June, 2003.
- "Priests Still Die of AIDS as Church Postpones Needed Dialogue," The National Catholic Reporter, March 31, 2000.
- "Perilous Choices to Ignore AIDS Issue," The National Catholic Reporter, March 31, 2000.
- "Road Map and Road Blocks: The Seminarian's Dilemma," The TABLET (London), October 7, 1993

, (p. 1276-1278).

- "Achievement," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, October 1995.
- "Celebate Spirituality—In Search of the Feminine Voice," Sisters Today, September, 1995 (p. 342-346).
- "Transformation," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, September 1995.
- "Integration," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, August 1995.
- "Truth or Consequences," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, July 1995.
- "How I should Have Loved," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, June 1995.
- "Appropriate, Responsible, Mature," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, May 1995.
- "After the Fall," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, April, 1995.
- "Authority and Power," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, March 1995.
- "Loneliness," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, February 1995.
- "Desire and Self Knowledge," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, January 1995.
- "Celibacy: Nature and Grace," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, December 1994.
- "How to be Celibate," Reflections on Celibacy series in Priestly People, Jemez Springs, New Mexico, November 1994.
- "Priest sex abuse case stirs political storm in Ireland," The National Catholic Reporter, December 2, 1994, (p. 17).
- "The Problem of Sexual Trauma and Addiction in the Catholic Church," Sexual Addiction and Compulsivity, Vol. 1, No. 2, 1994, (p. 130-137).
- "Celibacy and Power," The Tablet (London), November 26, 1994, (p. 1504-1505).
- "Divine Justice: William F. Love's Bishop Ryan and Harry Kaminman's Rabbi Small" (with B.C. Lamb) The Armchair Detective, Vol. 27, No. 1, winter, 1994.
- "Victims of Clergy Abuse Achieve Rightful Status," Bread Rising, Vol. 4, No. 1, 1994.
- "A Step toward Prevention of Sexual Abuse," Human Development, Vol. 19, No. 4, 1993 (p. 27-28).

- "Clergy Sexual Abuse: The St. John's Initiative" St. John's Magazine, December, 1993.
- "To Enable Healing," The National Catholic Reporter, September 17, 1993.
- "Celibacy and Imagery: 'Horror Story' in the Making," The National Catholic Reporter, July 2, 1993.
- "Celibacy in Law and Life," Viewpoint, The Tablet (London), June 12, 1993.
- "The Celibacy Question," The Tablet (London), June 5, 1993, (p. 737-738).
- "A House Built on Sand," Viewpoint, The Tablet (London), September 12, 1992, (p. 1118).
- "Chesterton's Brown and Greeley's Blackie," (with B.C. Lamb), Commonweal, August 14, 1992, (p.18-25).
- "Double-Talk on Celibacy," The Tablet (London), May 16, 1992, (p. 605-606).
- "Sex and Celibacy," The Tablet (London), May 9, 1992, (p. 576-577).
- "Spirituality and Integrity," Fellowship of Prayer, Vol. 43, No. 6, December, 1991.
- "Education for Celibacy: An American Challenge," America, May 18, 1991, (p. 539-548).
- "Newfoundland Report's Church Reform Manifesto," The National Catholic Reporter, September, 21, 1990.
- "Outpatient Responses to Sexual Problems of Catholic Religious," The Bulletin of the National Guild of Catholic Psychiatrists, San Francisco, California, Vol. 32, 1988, (p. 42-45).
- "The Mental Health Institute at St. John's 1954-1984," The Scriptorium, Vol. 24, Collegeville, Minnesota, 1985.
- "The Psychological Dimensions of the Rule of St. Benedict," The American Benedictine Review, The American Benedictine Review, Inc., St. Benedict's Abbey, Atchison, Kansas, December, 1983, Vol. 34:4, (p. 424-435).
- "Memento Mori, *Memento Vivere* and the Rule of St. Benedict," The American Benedictine Review, North Central Publishing Co., St. Paul, Minnesota, Vol. XXV: 1, March, 1974, (p. 96-107).
- Introduction to Conflict in Community, Robert J. McAllister, M.D., St. John's University Press, pp. xiii-xv, 1969.
- "The Introduction of Psychiatry Into a Religious Setting," (with Ivan D. Junk, M.D.), The American Benedictine Review, North Central Publishing Co., St. Paul, Minnesota, Vol. XXX3, September, 1969, (p. 257-271).
- "The Celibate and Community Life," Sisters Today, Sentinel Publishing Co., Collegeville, Minnesota, Vol. 41:4, December, 1969, (p.206-210).
- "The Education of Religious: A Question of Goals," Sisters Today, Sentinel Publishing Co., Collegeville, Minnesota, Vol. 39:7, March, 1968, (p. 337-347).

## REVIEWS IN

- Psychiatric Annals; Medical Insights; Theological Studies; American Journal of Psychiatry; Worship

## LECTURES

- "Forgiveness of the Church for Sexual Abuse" VOTF, St. Thomas University, St. Paul, Minnesota, November 7, 2004.
- "A Dangerous Business: Questions & Truth Telling" SNAP National Meeting, Denver, CO, June 12, 2004.
- "Sexual abuse and suicide" seminar, SNAP National Meeting, Denver, CO, June 11, 2004.
- "The Consequences of Guilt" Santa Clara Symposium on Sin Against the Innocent, Santa Clara, CA, May 14, 2004.
- "Family Secrets: the extent of abuse" SNAP Retreat, Minneapolis, March 2, 2004
- "Confessions of an Expert Witness" VOTF, Minneapolis, Minnesota, March 1, 2004.
- "The Bishops have spoken. Is there hope?" Call to Action San Diego, Pacific Beach, California, March 6, 2004.
- "Beyond Abuse" VOTF Boston, January 24, 2004.
- "Sexual Abuse: the Crisis Behind the Headlines" Call to Action, Milwaukee, Wisconsin, November 7-9, 2003.
- "Being Catholic in the 21<sup>st</sup> Century: Crisis, Challenge, and Opportunity." VOTF, Fordham University, Bronx, NY, October 25, 2003.
- "Moral Leadership: Abuse Victims, the Press, Lawyers, and Law Enforcement." Keynote for the West Coast Conference of SNAP, Los Angeles, CA, October 18, 2003.
- "An Historical Note on Clergy Abuse." National Clergy Abuse Network, Chicago, IL, October 3-4, 2003.
- "A Theological Reflection in Three Acts-or-Two Vegas Showgirl, God/Popeye, and Where the Church Went Wrong." Keynote for the National Meeting of Dignity, Las Vegas, Nevada, August 7-10, 2003.
- "Does the Church Care?" Keynote for the National Conference of CORPUS, Dallas, Texas, June 27-29, 2003.
- "View From the Eye of the Storm" Keynote for the 11<sup>th</sup> annual National Meeting of LINKUP, Louisville, Kentucky, February 22, 2003.
- "Celibacy in Crisis" Institute for Continued Learning University of California San Diego, March 7, 2003
- "Abuse at the Abbey" Survivors Network of Minnesota, Minneapolis, February 28-29, 2003.
- "The Pastoral Challenge in a Climate of Distrust" State of California Chaplains' Conference, Oakland, California, October 23, 2002.



- "Crisis in the Church" The Channel Club, Santa Barbara, California, September 27, 2002.
- "Religious Construction of HIV/AIDS Diagnosis in San Diego & its Impact on Decisions about Treatment & Care" Respondent, University of California San Diego Social Sciences Roundtable, February 13, 2002.
- "Was Jesus a Sexual Person?" CORPUS National Conference, Secaucus, New Jersey, June 30, 2001.
- "The Healing Hand of God" The Cathedral of St. John the Baptist, Roman Catholic Diocese of Paterson, New Jersey, October 14, 1998.
- "Is Sexual Abstinence Possible?" Towson State University, Towson, Maryland, May 7, 1997.
- "Religion and Psychiatry" Grand Rounds, Springfield State Hospital, Sykesville, Maryland, April 11, 1997.
- "Celibacy, Sex and Fiduciary Boundaries," Symposium on Boundary Issues and Violations in the Clergy, The Menninger Foundation, Topeka, Kansas, September 20-21, 1996.
- "Celibacy: A Way of Living, Loving and Serving" (15 lectures) St. John's Seminary, Collegeville, Minnesota, January 8-27, 1996.
- "Denial in Recovery" The Florida Medical Professional Group convention, Ft. Lauderdale, Florida, November 4, 1995.
- "Spirituality and Recovery" Keynote Panel National Council on Sexual Addiction and Compulsivity, Atlanta Georgia, March 23, 1995.
- "The Person of the Priest: Toward a Celibate Integration" (10 lectures) St. John's Seminary, January 10-21, 1995.
- "The Prophetic Role of Victims of Clergy Sexual Abuse," Christian Survivors of Sexual Abuse, the Commonwealth Institute, London, October, 9, 1994.
- "Christian Roots of Abuse" LINKUP, National Conference, Collegeville, Minnesota, August 4, 1994.
- "Christian Leadership: Challenge to Sex and Power" LINKUP Leadership Conference, June 17, 1994.
- "Psychoanalysis and Family Therapy" George Washington University, Washington, D.C., June 14, 1994 and November 8, 1994.
- "The State of Sexual Abuse in the Catholic Church," Conference on Sexual Trauma in the Church, St. John's University, Collegeville, Minnesota, August 12-13, 1993.
- "Sex and the Church" (15 lectures), St. Louis University, Department of Theology, St. Louis, Missouri, July 19-23, 1993.
- "Negotiating Loneliness in the Celibate Process," Vincentian Fathers Annual Convocation, St. Louis, Missouri, June 16, 1993.
- "Sexual Abuse by Clergy: Who and Why," Maryland Governor's Conference on Child Abuse and Neglect, April 29, 1993.
- "The Clergy and Human Sexuality," Maryland Association of Private Practicing Psychiatrists, December 3, 1992.

- "Sexual Abuse by Priests—Why?" VOCAL, Chicago, Illinois, October 18, 1992.
- "Sex and the Clergy," The City Club of Cleveland, October 18, 1991.
- Grand Rounds, the Veterans Hospital of Baltimore, September 17, 1991.
- "Addictions and Spirituality," Prince George's County Health Department, May 20, 1991.
- "The Celibate/Sexual Adjustment of Roman Catholic Priests," Research Conference, John's Hopkins Medical School, Department of Psychiatry, May 6, 1991.
- "The Celibate/Sexual Agenda," CORPUS National Meeting, New York, June 22, 1991.
- "Outpatient Response to Sexual Problems Among Catholic Religious"—The National Guild of Catholic Psychiatrists, Montreal, Canada, May 8, 1991.
- "Facing Dangerous Questions: An Intellectual Odyssey," (Rolling-Leutkemeyer Lecture), McDonogh School, April 3, 1991.
- "Sexuality—Intimacy and Ministry" (2 lectures), Ministry Formation Program, Archdiocese of Baltimore, March 31, 1991.
- "Spirituality and Integrity" and "Remaining Credible Witnesses to Our Faith," Princeton Theological, December 4, 1990.
- "Sexual/Celibate Pressures of Catholic Priests," The American Psychological Association National Meeting, Boston, Massachusetts, August 11, 1990.
- "Celibacy and Sexuality" (13 lectures with Marianne Benkert, M.D.), St. John's University, July 22-26, 1990.
- "What Questions May a Theologian Ask About Celibacy," St. John's University School of Theology, July 25, 1990.
- "Life, Love and Celibacy" (3 lectures) St. John's Seminary, September 26, 1989.
- "Celibacy, Sex and the Place of Women"—First National Meeting of CORPUS, American University, Washington, D.C., June 17, 1988.
- "The Psychological Aspects of the Aging Process"—Catholic University of America, Washington, D.C., March 21, 1987.
- "Growth of Celibate Self: How? Now, Wow!" (10 lectures) (With Dr. Marianne Benkert), Erie Pennsylvania, August 7 to August 9, 1986.
- "Positive Patterns to Marriage"—Seminar, The United Hospitals of St. Paul, Minnesota, April 25, 1985.
- "Making Marriage Work" (6 lectures), Baltimore Archdiocese Marriage Preparation, July - August 1985.
- "Family Therapy Grows Up"—Springfield Hospital Center, Psychiatric Grand Rounds, Sykesville, Maryland, April 12, 1985.
- "Psychiatry and Religion: Partners in Health"—The United Hospitals of St. Paul, Minnesota, October 18, 1983.

- "Family Therapy: A Perspective Not a Technique" Psychiatric Residence Conference, University of Maryland Medical School, Baltimore, August 11, 1983.
- "Family Therapy." Veterans Administration Hospital, San Juan, Puerto Rico, March 16, 1983.
- "Retired Priests: An Adaptive Task" Stella Maris Hospice, Towson, Maryland, May 6, 1981.
- "Family Therapy as Sole Method of Treatment"—Panel: The Uses and Abuses of Family Therapy—American Ortho Psychiatric Meeting, New York, April 15, 1977.
- "Psychic Reconciliation" Loyola College Lenten Lecture, Baltimore, Maryland, May 24, 1976.
- "The Role of the Counselor"—American Orthopsychiatric Association, New York, June, 1973.
- "The Family:—Its Faith and Its Fears"—Wilmington, Delaware, March 10, 1971.
- "The Dilemma of the Hospital Chaplain; —Mid-West Health Congress, Kansas City, Missouri, March, 1970.
- "Occupational Hazards of Helping People"—Johns Hopkins, Medical School, April 1, 1969.
- "What Clergy Learn About Psychiatry"—Maryland Association of Private Practicing Psychiatrists, Baltimore, Maryland, January 30, 1969.
- "The Introduction of Psychiatry into a Religious Setting"—42nd Anniversary Congress of the Pan-American Medical Association, Buenos Aires, Argentina, November 26, 1967.
- "The Role of Benedictines in the Church Today" St. John's Chapter, Collegeville, Minnesota, October 21, 1967.
- "Psychiatric and Religious Intervention in Mental and Emotional Illness," George Washington University Faculty, Department of Psychiatry, Washington, D.C., February 16, 1966.

**BOOKS AND CHAPTERS**

- Introduction to: Spoils of the Kingdom: Clergy Misconduct and Social Exchange in Religious Life by Anson Shupe, University of Indiana Press, 2005.
- Living the Celibate Life: A Search for Models and Meaning, Triumph Books, Ligouri, Missouri, 2004.
- Sex, Priests & Church Documents: An Introduction to Clergy Sexual Abuse, with Thomas P. Doyle & Patrick J. Wall, Precept Press, Santa Monica, 2005
- "The Crisis of Sexual Abuse and the Celibate Agenda of the Church" in Six Against the Innocent: Sexual Abuse by Priests and the Role of the Catholic Church, Thomas C. Plante, Ph.D., Editor, Westport, CT: Greenwood, 2004.
- Celibacy in Crisis: A Secret World Revisited, Brunner/Routledge, New York, 2003.
- "Celibacy" The Oxford Companion to Christian Thought Adrian Hastings, editor, Oxford University Press, Oxford, 2000.

- "The Sexual Abuse of Minors by Clergy: Problems of Prevention" in Bless Me Father, for I Have Sinned, Thomas G. Plante, Ph.D., Editor, Westport, CT: Greenwood, 1999.
- "Clergy Abuse in Ireland" in Wolves Within the Fold: Religious Leadership and Abuses of Power, Aaron Schupe, Editor, Rutgers University Press, New Jersey, 1998.
- Celibacy: A Way of Living, Loving and Serving, Triumph Books, Ligouri, Missouri & Gil/MacMillan, Dublin, Ireland 1997/E.J. Dwyer, Sydney, Australia, 1997.
- Sex, Priests and Power: Anatomy of a Crisis, Brunner/Mazel, New York, 1995, Cassell Publishers, London, 1995.
- "Negotiating Loneliness in the Celibate Process" in Living in the Meantime, (pp. 104-117), Paul Philibert, O.P. Editor. Paulist Press, New York, 1994.
- A Secret World: Sexuality and the Search for Celibacy, Brunner/Mazel, New York, 1990.
- Sexualität und Zölibat, Ferdinand Schöningh, Paderborn, 1992.
- Obedience (Roman Catholicism) p. 795-96; Retreats (Roman Catholicism) p. 1082-83; Religions, Pastoral Care of, p. 1060-1061, in: Dictionary of Pastoral Care and Counseling, Rodney J. Hunter, General Editor, Abingdon Press, Nashville, 1990.
- "Sexual Aspects of the Human Condition"—in Changing View of the Human Condition, Paul Fruyter, Editor, Mercer University Press, 1987.
- Psychiatry, Ministry and Pastoral Counseling, Editor (with C.J. Rowe, M.D.): The Liturgical Press, Collegeville, Minnesota, September, 1983.
- Beyond Crescent Gate. Fifteen American Poems, Walter O. Jahreiss, M.D. (A. W. Richard Sipe, Editor), Garamond/Pridemark, Baltimore, Maryland, 1971.
- Hope: Psychiatry's Commitment, Editor: Brunner/Mazel, New York, 1970.
- A Physician in the General Practice of Psychiatry: The Selected Papers of Leo H. Barthelemy, M.D., Editor (with P.A. Martin, M.D. and G.L. Usdin, M.D.); Brunner/Mazel Publishing Co., New York, 1970.

RESEARCH

- Priests With AIDS—A Desperate Cry: "The Church Has AIDS"
- Project: Celibacy in Literature and Life,—The Minister's Black Veil: Literature of Vocation, with Harris Gruman, Ph.D. & Dr. B.C. Lamb, Ph.D., JD. (T.B.P.).
- Apostles of Celibacy & the Problematic Paradigm (T.B.P.)
- "A Search for Celibacy, 1960-1985: Practice, Process and Achievement."
- "The Pastoral Promise: an Explanation of a Quality of Ministry" Master of Science Thesis, Loyola College, Maryland, December 5, 1979
- "A Proposal for the Implementation for a Counseling Facility in a Small College Setting," St. John's University, Collegeville, Minnesota, July 1966.

- "The Ego Functioning of a Training Group: An Organizational Case Study Report"—Department of Preventive Psychiatry, The Menninger Foundation, Topeka, Kansas, 1965.
- "An Investigation into Parental Suicide and Adolescent Difficulties: Three Cases" St. Thomas University, St. Paul, 1964.

**FORENSIC CONSULTATION**

- Consultant and expert witness in over two hundred cases of Catholic clergy abuse of minors and other clergy professional malfeasance, 1983-2005. Witness and consultant in Grand Jury investigations 2002 & 2003.

**BOARD, COMMITTEES, FELLOWSHIPS AND HONORS**

- St. John's University INTERFAITH SEXUAL TRAUMA INSTITUTE Board of Directors, Chairman of the Board  
1994-1996
- Isaac Taylor Institute for Psychiatry and Religion—Advisory Committee  
1986-1989
- St. Luke's Institute, Suitland, Maryland, Board of Directors  
1986-1988
- Institute for Religion and Human Development, Board of Directors (Chairman 1977-1983) St. John's University  
1977-1984
- Archdiocese Commission on Women in the Church (Baltimore)  
1977
- Institute for Ecumenical and Cultural Research: Project Fellow (Faith: Human Condition)  
1977-1982
- American Medical Association: Consultant, Committee for the AMA Handbook Human Sexuality  
1969
- Who's Who in Religion  
1975
- American Catholic Who's Who  
1978-1979

**PROFESSIONAL ASSOCIATIONS**

- American Family Therapy Academy  
1986-1996
- National Council on Family Relations (24505)  
1971-1995
- American Association of Mental Health Counselors (President 1971)  
1971-1980
- American Personnel and Guidance Association (S-4038114)  
1975-1995
- American Mental Health Counselors Association  
1978-1997
- Maryland Mental Health Counselors Association  
1978-1997



## MEDIA CONTACTS

### • Television:

- o TV Documentary SEXUAL IDENTITY BBC 2005
- o TV Documentary CELIBACY BBC/HBO 2004
- o Participant in ten TV documentaries on clergy sexual abuse, USA, France, & UK during 2003/2004.
- o Court TV, January 2002.
- o CNN, TV January 2002.
- o "Non-Celibate Priests," Religion & Ethics PBS TV, July 2001.
- o "Priests With AIDS," 20/20, ABC TV, January 2001.
- o "St. John's Priest With AIDS," KSTP TV, January 2001.
- o "Sexual Abuse & St. John's Abbey," KSTP TV, November 10-11, 2000.
- o "Priests: A Question of Celibacy," Canada Sex TV, September 2000.
- o NBC, CBS, ABC, Fox, CNBC: England, Yorkshire TV, BBC TV, Oxford TV, Netherlands TV, CBC TV, PBS, etc.
- o "Our Father," HBO, 1996.
- o "Sins of the Fathers," BBC-EVERYMAN September 10, 1995.

### • Print Media:

#### o Interviews:

*People Magazine, The National Review, The Boston Globe, Washington Post, Baltimore Sun, USA Today, New York Times, New York Post, News Day, A.P. News Service, Catholic News Service, The Catholic Register, National Catholic Reporter, London Times, The Chicago Tribune, Los Angeles Times, San Francisco Examiner, Wall Street Journal, Time, Newsweek, Hartford Courant, Miami Herald, Detroit Free Press, Playboy, L'Espresso, New Yorker, etc.*

### • Radio:

Major US networks: ABC, NBC, CBS, FOX, CNN; NPR, FBC, CBC, BBC-- England, Ireland, Wales; Australian Radio, etc.

### • Movies

Consultant in a Dan Wigatow/Sony Studio production. Screen play by Stanley Weiser.



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9 Attorneys for Defendants,  
10 FATHER. JOSEPH ILLO, MONSIGNOR  
RICHARD J. RYAN, BISHOP STEPHEN E.  
11 BLAIRE, and THE ROMAN CATHOLIC  
BISHOP OF STOCKTON, a Corporation Sole

12 SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN

13 STOCKTON BRANCH

14 KATHLEEN MACHADO as an individual and )  
as Guardian Ad Litem for RACHEL LOMAS )  
15 and AMBER LOMAS )

16 Plaintiffs,

17 vs.

18 FR. JOSEPH ILLO, FR. FANCIS JOSEPH,  
a.k.a. FR. FRANCIS ARAKAL, FR.  
19 RICHARD J. RYAN, BISHIP STEVEN  
BLAIRD, AND THE DIOCESE OF  
20 STOCKTON

21 Defendants.

Case No. CV 018440

*cal*  
22 **NOTICE OF TAKING DEPOSITION OF**  
23 **EXPERT WITNESS WITH PRODUCTION**  
24 **OF DOCUMENTS**

25 NOTICE IS HEREBY GIVEN that the deposition upon oral examination of the person  
26 whose name is set forth below, designated as an expert witness herein by Plaintiffs, will be taken  
27 before a certified shorthand reporter authorized to administer oaths in the State of California, at the  
28

1 offices of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California, 95203,  
2 (209) 948-8200, on the date, time, and location noted.

3 If the deposition is not completed on the dates set out below, the taking of the depositions  
4 will continue from day to day thereafter, except for Sundays and holidays at the same place, until  
5 completed.

6	7	8	9	10
	DEPONENT	DATE	TIME	LOCATION
8	FR. THOMAS PATRICK	2/2/05	10:00 a.m.	Neumiller & Beardslee
9	MICHAEL DOYLE			509 W. Weber Avenue
10				5th Floor
11				Stockton, CA 95203

11 Fees for this expert witness shall be tendered at the commencement of his deposition  
12 pursuant to Code of Civil Procedure section 2034(i)(2).

13 NOTICE IS FURTHER GIVEN that the deponent is required to produce at the time and place for  
14 inspection and copying the originals and/or copies of the following documents and writings:

15  
16 **PRODUCTION OF DOCUMENTS**

- 17 1. The deponent's entire file in this matter.
- 18 2. All documents, notes, or other items generated, created, or referred to by the deponent  
19 with regard to the assignment in this matter.
- 20 3. All correspondence or evidence showing communication by or with the deponent  
21 with any person or entity with regards to the assignment in this matter.
- 22 4. All of the materials which refer or relate to the opinions formed by the deponent.
- 23 5. Copies of all declarations or affidavits signed by deponent in cases alleging childhood  
24 sexual abuse.
- 25 6. All items required to be produced with the exchange of expert witness information  
26 pursuant to Code of Civil Procedure section 2034(g) which were not produced with the exchange of  
27 expert witness information in this case.



1           7.     All correspondence between the deponent and any other person or entity concerning  
2 matters for which the deponent was retained herein.

3           8.     All fee schedules, estimates, proposals, invoices, billings and any other documents  
4 relating to the deponent's customary fees.

5           9.     All fee schedules, estimates, proposals, invoices, billings and any other documents  
6 relating to the deponent's efforts in this matter to date and/or projected through trial.

7           10.    All documents and literature relied upon or to be relied upon by the deponent in  
8 reviewing or forming opinions in this matter.

9           11.    All documents, including all drafts and preliminary documents generated by the  
10 deponent, the deponent's employees and affiliates in this matter.

11          12.    The deponent's Curriculum Vitae or Resume.

12          13.    The deponent's record of deposition appearances as an expert witness.

13          14.    The deponent's record of trial appearances as an expert witness.

14          15.    All documents shown to or reviewed by the deponent in connection with the  
15 deponent's work on this case.

16          16.    All documents made available to the deponent connection with the deponent's work  
17 on this case.

18          17.    All photographs, diagrams, or drawings reviewed by the deponent in connection with  
19 the deponent's work on this case.

20          18.    Any writing which reflects, refers or relates to the deponent's opinion in this matter.

21          19.    A list of all opinions the deponent will express at trial.

22          20.    Transcripts of the most recent five (5) depositions the deponent has given as an expert  
23 witness in any other civil cases (either deposition, arbitration or trial testimony).

24          21.    A log of all time spent by the deponent on this case.

25          22.    All bills for work done by the deponent or on the deponent's behalf in connection  
26 with this case.

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Dated: January 13, 2005

NEUMILLER & BEARDSLEE  
A PROFESSIONAL CORPORATION

By: *Paul N. Balestracci*  
PAUL N. BALESTRACCI  
Attorneys for the Defendants  
FATHER. JOSEPH ILLO, MONSIGNOR  
RICHARD J. RYAN, BISHOP STEPHEN E.  
BLAIRE, and THE ROMAN CATHOLIC  
BISHOP OF STOCKTON, a Corporation Sole

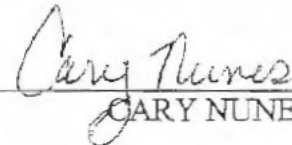


1 Michael D. Coughlan, Esq.  
2 Law Offices of Michael D. Coughlan  
3 3031 W. March Lane, Ste. 210 West  
4 Stockton, CA 95219  
(Attorneys for Defendant, Fr. Francis  
Arakal)

Vladimir F. Kozina, Esq.  
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2453 Grand Canal Blvd., 2nd floor  
Stockton, CA 95207-8253  
Telephone: (209) 477-3833  
Facsimile: (209) 473-4818  
(Attorneys for Defendants, Father Joseph Illo,  
Monsignor Richard J. Ryan, Bishop Stephen E.  
Blaire, and The Roman Catholic Bishop of  
Stockton, a Corporation Sole

7  
8 I declare under penalty of perjury under the laws of the State of California that the above is  
true and correct.

9 Executed this 13th day of January 2005, at Stockton, California.

10  
11   
12 \_\_\_\_\_  
GARY NUNES





# SABBAH AND MACKOUL

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978-664-9944  
Fax: 978-664-0820

PLEASE REPLY TO OUR FALMOUTH OFFICE

January 21, 2005

File no.: MachadoC/CA02-0001

Mr. Vladimir F. Kozina  
Attorney at Law  
Mayall, Hurley, Knutsen, Smith & Green  
2453 Grand Canal Blvd., Second Floor  
Stockton, CA 95207-8253

VIA FACSIMILE AND US MAIL

*Re: Lomas v. Diocese of Stockton, et. al*

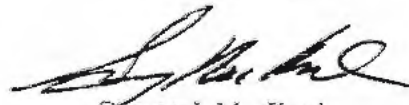
Dear Mr. Kozina:

I have spoken to Richard Sipe, one of the experts who Mr. Balestracci noticed for the 3<sup>rd</sup> of February 2005. Mr. Sipe is not available for his deposition testimony as previously scheduled, however, he is available on the 7<sup>th</sup> or 8<sup>th</sup> of February and could also be made available the week of February 14<sup>th</sup>-18<sup>th</sup>. Please let me know which dates are available on your calendar. Obviously we may want to postpone his deposition if you manage to prevail on your motion to continue the trial.

I have calls into Father Doyle, who is away until January 26, 2005, and Dr. Sonnee Weedn. I will get back to you regarding their schedules as soon as I hear from them.

It is therefore understood that the depositions of expert witnesses will not be going forward on the dates previously noticed.

Very truly yours,



George J. MacKoul  
SABBAH AND MACKOUL

GJM/kdw

CC: Paul N. Balestracci  
Anthony Boskovich  
Michael D. Coughlan



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PLEASE REPLY TO OUR FALMOUTH OFFICE

January 27, 2005

File no.: MachadoC/CA02-0001

Ms. Sheri Sigman  
Assistant to Vladimir F. Kozina  
Mayall, Hurley, Knutsen, Smith & Green  
2453 Grand Canal Blvd., 2nd Floor  
Stockton, CA 95207-8253

*Re: Lomas v. Diocese of Stockton, et. al*

Dear Ms. Sigman:

This letter is a follow up to our conversation today where we addressed the topic of confirmation of depositions. Attorney MacKoul's co-counsel drove from San Jose to Stockton today for the deposition of Mary Mullins and the witness did not appear. Therefore, in order to avoid a reoccurrence of today, this office is requesting that we confirm witness appearances prior to the attorney's departure for California.

It is my understanding from our conversation that the following will take place next week:

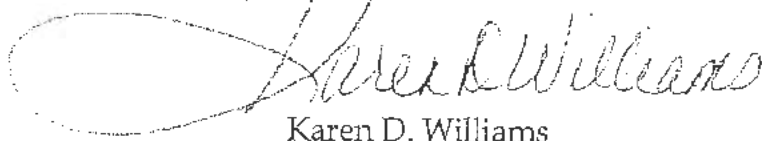
- February 1<sup>st</sup> will be the deposition of Kathleen Machado, which has been confirmed.
- February 4<sup>th</sup> will be the deposition of Father Illo, which also is confirmed.
- You are still trying to contact Norman Schmidt and may have to subpoena him.
- February 3<sup>rd</sup> at 10 am is the deposition of Diane Stephens, and you are waiting for confirmation.
- February 3<sup>rd</sup> at noon will be the deposition of Detective Bali and you are awaiting confirmation.

- I spoke with Doyle and he needs to converse with George tomorrow. We will inform you of the outcome.
- I left a message for Dr. Sonnee Weedn of date and time. She is to call me back to confirm.
- February 8th Sipe will be deposed, and is confirmed.

You will confirm depositions in a letter later today. Once this is done final plane arrangements may be made for Attorney MacKoul.

Your patience and understanding is greatly appreciated.

Yours very truly,

A handwritten signature in cursive script that reads "Karen D. Williams". The signature is written in black ink and is positioned above the typed name.

Karen D. Williams  
Assistant to George MacKoul

KDW





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DAVID CHENG  
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CRAD J. WOOD  
REINA D. MINOYA  
AMANDA R. BERLIN  
CHRISTOPHER C. NIELSEN  
MICHAEL L. PHILLIPS

January 28, 2005

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Via Fax: (408)286-5170

Paul Balestracci, Esq.  
Neumiller & Beardslee  
P.O. Box 20  
Stockton, CA 95201

Via Fax: 948-4910

Michael D. Coughlan, Esq.  
3031 W. March Lane, Suite 210W  
Stockton, CA 95219

Via Fax: 957-5338

Re: *Machado v. Illo, et al.*

Dear Counsel:

Here is today's update regarding depositions.

- 1) Per Mr. MacKoul's request, Weedn's deposition has been moved to 1:00 p.m.
- 2) Dr. Schmidt has given me a date of February 16, 2005 at 10:30 a.m., in his office. I am hopeful this is agreeable to all parties.
- 3) Mr. Kozina has asked that I go ahead and set Fr. Doyle's deposition for February 14, 2005, at 10:00 a.m. If this is not convenient, I will be happy to try to reschedule once alternative dates are proposed.

January 28, 2005

Page 2

If you have any questions, please do not hesitate to contact me.

Very truly yours,

Mayall, Hurley, Knutsen, Smith & Green

By 

SHERI SIGMAN, Assistant to  
VLADIMIR F. KOZINA

UPDATED LIST (Rev. 1/28/2005 2:28:22 PM)

<b>Date</b>	<b>Time</b>	<b>Deponent</b>	<b>Location</b>
1-26-05	9:00 a.m.	Kummerle	Mayall
1-27-05	9:00 a.m.	Mullins	Mayall
*2-01-05	9:00 a.m.	K. Machado	Mayall
*2-03-05	10:00 a.m.	Stevens, MFCC	819 15h Street Modesto, CA
*2-3-05	1:00 p.m.	Det. Bali	Al Cala, 1601 I St., Modesto
2-04-05	9:00 a.m.	Fr. Illo	Mayall
*2-08-05	11:00 a.m.	Sipe	Mayall
2-09-05	9:00 a.m.	Mon. Ryan	Mayall
<b>*2-10-05</b>	<b>1:00 p.m</b>	<b>Weedn</b>	<b>Mayall</b>
2-11-05	9:00a.m.	Bishop Blaire	Mayall
<b>*2-14-05</b>	<b>10:00 a.m.</b>	<b>Fr. Doyle</b>	<b>Mayall</b>
<b>*2-16-05</b>	<b>10:30 a.m.</b>	<b>Dr. Schmidt</b>	<b>1069 E. Hawkeye, #B, Turlock</b>

Items in bold indicate changes to schedule.

STILL TO BE SET

\*Smith (pending mtg for protective order)

\*Set by defendants; defendants to provide court reporter



Legal Offices of  
**ANTHONY BOSKOVICH**

28 North First Street, 6<sup>th</sup> Floor  
San Jose, California 95113-1210

Phone (408) 286-5150  
Facsimile (408) 286-5170

February 8, 2005

VIA FACSIMILE

Vladimir F. Kozina, Esq.  
Mayall, Hurley, Knutsen, Smith & Green  
2453 Grand Canal Blvd., 2<sup>nd</sup> Floor  
Stockton, CA 95207-8253

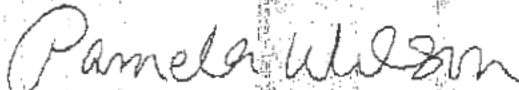
*Re: Lomas v. Diocese of Stockton, et al*

Dear Mr. Kozina:

Please be advised that Fr. Doyle will be available by telephone or video conferencing for his deposition in the above matter. Due to his current trial schedule, he is unable to travel to California prior to the start of this case. Please give me some dates to set this up.

I look forward to hearing from your office as soon as possible.

Sincerely,



Pamela Wilson  
Legal Assistant to Anthony Boskovich

prw





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February 8, 2005

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Falmouth, Mass 02540

Via Fax: (508)495-4115

Anthony Boskovich, Esq.  
28 North First Street, 6<sup>th</sup> Floor  
San Jose, CA 95113-1210

Via Fax: (408)286-5170

Re: *Machado v. Ilo, et al.*

Dear Messrs. MacKoul and Boskovich:

Regarding the deposition of Fr. Doyle. Pursuant to Code of Civil Procedure 2034, you must produce your listed expert for deposition. There is no provision for "telephonic" deposition and we will not agree to have Fr. Doyle's deposition taken by telephone.

Furthermore, we set the deposition of Fr. Doyle for the 14<sup>th</sup> of February and were willing to move it provided another date could be arranged. At this late date, due to the trial schedule *in this matter* we must insist on going forward with Fr. Doyle's deposition as scheduled for the 14<sup>th</sup> in this office. There is no possible alternative date to reschedule to.

If you fail to produce Fr. Doyle, we intend to move to exclude him for testifying at trial.

Very truly yours,  
**Mayall, Hurley, Knutsen, Smith & Green**

By   
VLADIMIR F. KOZINA

VFK/sas

cc Paul N. Balestracci, Esq. - Via Fax: 948-4910  
Michael D. Coughlan, Esq. - Via Fax: (209)957-5338



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209-892-2233  
Fax: 209-882-2572Park Place East  
346 Park Street, Suite 108  
North Reading, Massachusetts 01864  
978-884-9944  
Fax: 978-664-0820Please reply to: **FALMOUTH OFFICE**

February 9, 2005

File no. MachadoC/CA02-0001

Mr. Vladimir F. Kozina  
Attorney at Law  
Mayall, Hurley, Knutsen, Smith & Green  
2453 Grand Canal Blvd., Second Floor  
Stockton, California 95207-8253**VIA FACIMILE AND U.S. MAIL 209-473-4818***Re: Lomas v. Diocese of Stockton, et. al*

Dear Mr. Kozina:

Thank you for your letter of yesterday, and your quick, kind and cooperative response to our request that you accommodate us in taking the deposition of our expert Thomas Doyle.

As I stated to you, Mr. Doyle lives in Washington D.C. I told you he might possibly be in California the last week of this month, but not before the 18<sup>th</sup> of this month as he was tied up as a witness in another trial. I previously told your assistant Sheri, that Mr. Doyle could not testify the day of February 14, next Monday. She asked me to get alternative dates.

In order to accommodate your schedule, whereby you said "you would not allow any depositions to take place after the 17<sup>th</sup>", commenting that "every other day was already filled up" and that if "I don't produce him before the 17<sup>th</sup>, you would make a motion to exclude his testimony".

I then recommended to you, that Mr. Doyle recommended to me, that his deposition be taken by phone or by videophone. Plaintiffs are offering to pay the cost for the hook up. He frequently does this to accommodate his busy schedule.

Please reconsider your position, and contact me to work out an accommodation with regard to this matter. As you know, Judge Humphreys was not certain that we would be going out to trial on the 22<sup>nd</sup>, and there is also a chance that the 18-25 of this month may be available to have Mr. Doyle travel to California, if you insist on taking his deposition in person.

As you know, Judge Humphreys requested that all counsel work in a *cooperative* manner to get this case prepared for trial in her court. The court, in our recent protective order hearing, took quite seriously plaintiffs' cooperative and accommodating position, when it came to your "like it or lump it", position with regard to the deposition of Mr. Smith.

Again, Mr. Boskovich and I are always willing to work something out with you, so that you will be able to secure the deposition of Mr. Doyle. Call either of us, if you would like to discuss this further.

Best Regards,



George J. MacKoul  
SABBAH AND MACKOUL

GJM

CC: ALL COUNSEL BY FACIMILE





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MICHAEL L. PHILLIPS

February 10, 2005

**Via Fax: (508)495-4115  
and First Class Mail**

George J. MacKoul, Esq.  
Sabbah and MacKoul  
49 Locust Street  
Falmouth, Mass 02540

Re: *Machado v. Illo, et al.*

Dear Mr. MacKoul:

We set the deposition of Fr. Doyle for February 14, 2005, because you would not provide an available date. At the time the deposition was set, my secretary advised that she would be happy to "*try to reschedule once alternative dates are proposed.*" That letter went out on January 28, 2005.

Since January 28, 2005, no acceptable alternative dates have been proposed and at this late stage, it is impossible to find an alternative date prior to trial. The deposition of Fr. Doyle remains set as calendared for February 14, 2005.

It is incumbent upon you to comply with Code of Civil Procedure section 203-4 and make your expert available for deposition. If you fail to do so, I will be filing the appropriate motion to exclude his testimony at trial.

Very truly yours,  
Mayall, Hurley, Knutsen, Smith & Green

By   
VLADIMIR F. KOZINA

VFK/sas

cc Paul N. Balestracci, Esq. - Via Fax: 948-4910  
Anthony Boskovich, Esq. - Via Fax: (408)286-5170  
Michael D. Coughlan, Esq. - Via Fax: (209)957-3338

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CA State Bar No. 083987

12 Attorneys for Defendants  
13 Father Joseph Illo, Monsignor Richard J. Ryan, Bishop  
14 Stephen E. Blaire, And The Roman Catholic Bishop Of Stockton,  
15 a Corporation Sole

16 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

17 **KATHLEEN MACHADO AS AN INDIVIDUAL) CASE No. CV018440**  
18 **AND AS GUARDIAN AD LITEM FOR RACHEL )**  
19 **LOMAS AND AMBER LOMAS, )**

20 **Plaintiffs,**

21 **vs.**

22 **FR. JOSEPH ILLO, FR. FRANCIS JOSEPH AKA )**  
23 **FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN, )**  
24 **BISHOP STEVEN BLAIRE AND THE DIOCESE )**  
25 **OF STOCKTON, ET AL., )**

26 **Defendants.**

27 **[PROPOSED] ORDER GRANTING**  
28 **DEFENDANTS' MOTION IN LIMINE TO**  
**EXCLUDE TESTIMONY FROM OR**  
**EVIDENCE PREPARED BY**  
**PLAINTIFFS' EXPERT THOMAS**  
**DOYLE**

**DEPARTMENT: 41**  
**TRIAL JUDGE: HON. ELIZABETH HUMPHREYS**  
**TRIAL DATE: FEBRUARY 22, 2005**

29 **ORDER**

30 The motion in limine of defendants having been considered, and good cause appearing  
31 therefore,

32 **IT IS ORDERED**, that plaintiff, plaintiff's counsel, and all witnesses called by any party shall  
33 refrain from eliciting any testimony from or evidence prepared by plaintiffs' expert Thomas  
34 Doyle.

35 Defendants' Motion In Limine To Exclude Testimony From Or Evidence Prepared By Plaintiffs' Expert  
36 Thomas Doyle

1 **IT IS FURTHER ORDERED**, that this order shall be effect from the commencement of voir  
2 dire to the rendering of a verdict, and shall be in effect at all times when any juror or jurors are in  
3 the courtroom.

4 **IT IS FURTHER ORDERED**, plaintiff's counsel shall inform each and every witness called by  
5 plaintiff of the contents of this order prior to calling such witness in this action.

6  
7 DATED:

8 

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 JUDGE OF THE SUPERIOR COURT

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10 Attorneys for Defendants  
Father Joseph Illo, Monsignor Richard J. Ryan, Bishop  
11 Stephen E. Blaire, And The Roman Catholic Bishop Of Stockton,  
a Corporation Sole  
12

13 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

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15 **KATHLEEN MACHADO AS AN INDIVIDUAL ) CASE No. CV018440**  
16 **AND AS GUARDIAN AD LITEM FOR RACHEL )**  
**LOMAS AND AMBER LOMAS, ) DEFENDANTS' MOTION IN LIMINE TO**  
17 **Plaintiffs, ) LIMIT EVIDENCE AND WITNESSES TO**  
**) THOSE DESIGNATED**  
18 **vs. ) DEPARTMENT: 41**  
19 **FR. JOSEPH ILLO, FR. FRANCIS JOSEPH AKA ) TRIAL JUDGE: HON. ELIZABETH HUMPHREYS**  
20 **FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN, ) TRIAL DATE: FEBRUARY 22, 2005**  
21 **BISHOP STEVEN BLAIRE AND THE DIOCESE )**  
**OF STOCKTON, ET AL., )**  
22 **Defendants. )**  
23 **)**

24 **COMES NOW** defendants, FATHER JOSEPH ILLO, MONSIGNOR RICHARD  
25 RYAN, BISHOP STEPHEN E. BLAIRE, and THE ROMAN CATHOLIC BISHOP OF  
26 STOCKTON, a Corporation Sole (Hereinafter collectively referred to as DEFENDANTS) who

27  
28 Defendants' Motion In Limine To Limit Evidence And Witnesses To Those Designated

FILED  
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ROSA JUNQUEIRO, CLERK  
BY \_\_\_\_\_  
DEPUTY

1 hereby moves this court for an order limiting evidence and witnesses to those designated pursuant  
2 to California Code of Civil Procedure Section 2034.

3 This motion will be on the grounds that such evidence and witnesses not designated  
4 would be inadmissible in this action, and attempt to convey such information to the jury would be  
5 highly improper and prejudicial to defendant, even if the court were to sustain an objection and  
6 instruct the jury not to consider such evidence.

7  
8 This motion is based on the Memorandum of Points and Authorities accompanying this  
9 motion, on the papers and records on file herein, and on such oral and documentary evidence as  
10 may be presented at the hearing of this motion.

11  
12  
13 DATED: February 14, 2005.

14 **MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

15 By 

16 MICHAEL L. PHILLIPS

17  
18 **MEMORANDUM OF POINTS AND AUTHORITIES**

19  
20 **I**  
**FACTUAL BACKGROUND**

21 On January 5, 2005 Plaintiffs served their Code of Civil Procedure Section 2034  
22 response. (Declaration of Michael L. Phillips; Exhibit "A"). On January 3, 2005 defendants  
23 FATHER ILLO, MONSIGNOR RICHARD RYAN, BISHOP STEPHEN E. BLAIRE, and THE  
24 ROMAN CATHOLIC BISHOP OF STOCKTON, a Corporation Sole served their Code of Civil  
25 Procedure Section 2034 response. (Declaration of Michael L. Phillips; Exhibit "B")

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28 Defendants' Motion In Limine To Limit Evidence And Witnesses To Those Designated



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**II**  
**LEGAL ARGUMENT**

A. **WITNESSES AND EVIDENCE SHOULD BE CONFINED TO THOSE DESIGNATED IN PLAINTIFFS' CALIFORNIA CODE OF CIVIL PROCEDURE SECTION 2034 RESPONSE**

The statutory language is very clear. California Code of Civil Procedure Section 2034, subdivision (j) states:

“[O]n objection of any party who has made a complete and timely compliance with subdivision (f), the trial court shall exclude from evidence the expert opinion of any witness that is offered by any party who has unreasonably failed to do any of the following:

“(1) List that witness as an expert under subdivision (f).”

Accordingly, plaintiffs should be permitted to only call expert witnesses and introduce evidence which has been fully identified pursuant to California Code of Civil Procedure Section 2034.

Dated: February 14, 2005

**MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

By: 

MICHAEL L. PHILLIPS

1 **MAYALL, HURLEY, KNUTSEN, SMITH & GREEN**

2 A Professional Corporation  
2453 Grand Canal Boulevard, Second Floor  
3 Stockton, California 95207-8253  
Telephone (209) 477-3833

4 VLADIMIR F. KOZINA, ESQ.

CA State Bar No. 095422

MICHAEL L. PHILLIPS, ESQ.

5 CA State Bar No. 232978

6 **NEUMILLER & BEARDSLEE**

A Professional Corporation

7 P.O. Box 20

Stockton, CA 95201-3020

8 Telephone: (209)948-8200

PAUL N. BALESTRACCI

9 CA State Bar No. 083987

10 Attorneys for Defendants

Father Joseph Illo, Monsignor Richard J. Ryan, Bishop

11 Stephen E. Blaire, And The Roman Catholic Bishop Of Stockton,

a Corporation Sole

12  
13 **SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN JOAQUIN**

14  
15 **KATHLEEN MACHADO AS AN INDIVIDUAL ) CASE No. CV018440**

16 **AND AS GUARDIAN AD LITEM FOR RACHEL )**

17 **LOMAS AND AMBER LOMAS, )**

18 **Plaintiffs, )**

19 **vs. )**

20 **FR. JOSEPH ILLO, FR. FRANCIS JOSEPH AKA )**

21 **FR. FRANCIS ARAKAL, FR. RICHARD J. RYAN, )**

22 **BISHOP STEVEN BLAIRE AND THE DIOCESE )**

23 **OF STOCKTON, ET AL., )**

24 **Defendants. )**

**DECLARATION OF MICHAEL L.**

**PHILLIPS IN SUPPORT OF**

**DEFENDANTS' MOTION IN LIMINE TO**

**LIMIT EVIDENCE AND WITNESSES TO**

**THOSE DESIGNATED**

**DEPARTMENT: 41**

**TRIAL JUDGE: HON. ELIZABETH HUMPHREYS**

**TRIAL DATE: FEBRUARY 22, 2005**

25 I, MICHAEL L. PHILLIPS, declare as follows:

26 1. I am attorney licensed to practice law in the State of California, and am an associate with  
the law firm of Mayall, Hurley, Knutsen, Smith & Green, attorneys of record for defendants

27 FATHER JOSEPH ILLO, MONSIGNOR RICHARD J. RYAN, BISHOP STEPHEN E. BLAIRE, AND THE

28 Defendants' Motion In Limine To Limit Evidence And Witnesses To Those Designated


1 ROMAN CATHOLIC BISHOP OF STOCKTON, a Corporation Sole. I make this declaration based on  
2 personal knowledge and, if called to testify, could and would testify consistently herewith.

3 2. Attached as Exhibit "A" is a true and correct copy the Code of Civil Procedure Section  
4 2034 response served by plaintiffs.

5  
6 3. Attached as Exhibit "B" is a true and correct copy the Code of Civil Procedure Section  
7 2034 response served by defendants FATHER ILLO, MONSIGNOR RICHARD RYAN,  
8 BISHOP STEPHEN E. BLAIRE, and THE ROMAN CATHOLIC BISHOP OF STOCKTON, a  
9 Corporation Sole.

10  
11 I declare under penalty of perjury under the laws of the State of California that the  
12 foregoing is true and correct.

13 Executed on February 14, 2005 at Stockton, California.

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MICHAEL L. PHILLIPS



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09460-29087  
CALENDARER

1 George J. MacKoul, No. 170586  
2 Sabbah and MacKoul  
3 Attorneys and Counselors at Law  
4 49 Locust Street  
5 Fairmouth, Massachusetts 02540  
6 508-495-4955

7 Anthony Boskovich, No. 121198  
8 Law Offices of Anthony Boskovich  
9 28 N. First Street, 6<sup>th</sup> Floor  
10 San Jose, California 95113-1210  
11 408-286-5150

12 Attorneys for Plaintiffs

13  
14 **IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA**  
15 **COUNTY OF SAN JOAQUIN**

16 KATHLEEN MACHADO, individually and  
17 in her capacity as Guardian ad Litem for  
18 RACHEL LOMAS and AMBER LOMAS,  
19 *Plaintiffs,*

20 v.

21 FATHER JOSEPH ILLO; FATHER FRANCIS  
22 JOSEPH a.k.a. FATHER FRANCIS ARAKAL;  
23 FATHER RICHARD RYAN; BISHOP STEVEN  
24 BLAIRE; THE DIOCESE OF STOCKTON;  
25 DOES 1 through 100,  
26 *Defendants.*

No. CV 018440

**PLAINTIFFS' EXPERT  
WITNESS DISCLOSURE FOR  
TRIAL**  
(Code Civ. Proc. §2034, subd.  
(f) and  
**EXPERT WITNESS  
DECLARATION**  
(Code Civ. Proc. §2034, subd.  
(f)(2))

27 TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD HEREIN:

28 You, and each of you, will please take notice that plaintiffs KATHLEEN MACHADO,  
RACHEL LOMAS and AMBER LOMAS may call the following expert witnesses to testify at the  
time of trial.

RETAINED EXPERTS:

- 1) Sonnee Weedn, Ph.D.,  
2 Hamilton Landing, Ste 230  
Novato, Ca 94949.

Law Offices of Anthony Boskovich 28 North First Street, 6<sup>th</sup> Floor, San Jose, CA 95113 (408) 286-5150

1 Dr. Weedn is a clinical psychologist. Dr. Weedn will testify as to the emotional and  
2 psychological damages of the plaintiffs and the causation thereto. Her testimony will cover past,  
3 present and future damages.

4 Dr. Weedn has agreed to testify at the trial of this matter. Dr. Weedn will be sufficiently  
5 familiar with the pending action to submit to a meaningful oral deposition concerning specific  
6 testimony, including any opinions and their basis, that she is expected to give at trial.

7 Dr. Weedn's hourly rate for deposition testimony and consultation with retaining attorney  
8 is \$250 per hour, not including expenses, and \$350 per hour, not including expenses, for trial.

9 Attached hereto as Exhibit A and incorporated herein by reference is the resume of the  
10 professional qualifications of Dr. Weedn as well as a report prepared by Dr. Weedn in this matter.

11  
12  
13 2) Fr. Thomas Patrick Michael Doyle  
14 7514 Cayuga Ave.  
Bethesda, MD 20817

15 Fr. Doyle will testify with regard to the canonical, procedural, pastoral and institutional  
16 workings of the Catholic Church with regard to the sexual abuse of children. He will also testify as  
17 to the past and present policies and procedures used and instituted by the Catholic Church regarding  
18 the sexual abuse of minors.

19 Fr. Doyle has agreed to testify at the trial of this matter. Fr. Doyle will be sufficiently familiar  
20 with the pending action to submit to a meaningful oral deposition concerning specific testimony,  
21 including any opinions and their basis, that he is expected to give at trial.

22 Fr. Doyle's hourly rate for deposition testimony and consultation with retaining attorney and  
23 for trial testimony is \$300 per hour, not including expenses.

24 Attached hereto as Exhibit B and incorporated herein by reference is the resume of the  
25 professional qualifications of Fr. Doyle.

26  
27 3) A. W. Richard Sipe, address to be provided.  
28



1 Mr. Sipe will testify to the issues regarding liability regarding the psychology of the sexual  
2 behavior of catholic priests who live and work in the state of celibacy. He will also testify about the  
3 "celibate/sexual system" within the Catholic Church hierarchy. He will also testify to the Catholic  
4 Church's general knowledge of sexual abuse of minors by clergy. He will also testify as to the  
5 communication about sexual activity within the clerical system. He will also testify to the knowledge  
6 of clergy sexual activity through suspicion/rumor/complaint/report. He will also testify to the  
7 profound and lasting effects of sexual abuse by clergy.

8 Mr. Sipe has agreed to testify at the trial of this matter. Mr. Sipe will be sufficiently familiar  
9 with the pending action to submit to a meaningful oral deposition concerning specific testimony,  
10 including any opinions and their basis, that he is expected to give at trial.

11 Mr. Sipe's hourly rate for deposition testimony and consultation with retaining attorney and  
12 trial testimony is \$300 per hour, not including expenses.

13 Attached hereto as Exhibit C and incorporated herein by reference is the resume of the  
14 professional qualifications of Mr. Sipe.

- 15
- 16 4) Any and all individuals designated as experts by any of the parties in this action; and,  
17 5) Any and all individuals hereinafter selected and designated as experts pursuant to  
18 Code of Civil Procedure §2034.  
19

20 In addition, plaintiffs KATELEEN MACHADO, RACHEL LOMAS and AMBER  
21 LOMAS hereby reserve the right, at their option, to withdraw any individual designated herein as  
22 an expert.

23 The Plaintiffs also hereby expressly reserve the right to call such other experts at trial as are  
24 necessary to rebut the testimony of experts who testify on behalf of other parties to this action.  
25

26 Pursuant to the provisions of section 2034 subdivision (I) of the Code of Civil Procedure,  
27 plaintiffs request that any party desiring to take the deposition of a potential expert witness herein  
28

1 | declared shall tender a fee, in advance, to said potential expert witness based upon the anticipated  
 2 | length of the deposition, not exceeding said deponent's customary hourly or daily fee for the time  
 3 | reasonably and necessarily spent in connection with such deposition.

4 | It is further to be understood that should the deposition take longer than originally  
 5 | anticipated, the balance of the fee due shall be paid by the party noticing/requesting the deposition  
 6 | within five (5) days of receipt of said deponent's itemized statement for services.

7 |  
 8 | Dated: January 3, 2005

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 11 | By:   
 12 | **ANTHONY BOSKOVICH**  
 13 | Attorney for Kathleen Machado, Rachel Lomas and Amber Lomas  
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EXPERT WITNESS DECLARATION

1  
2 I, Anthony Boskovich, declare:

3  
4 1. I am an attorney at law duly licensed to practice before all courts of the state of  
5 California and am the attorney fo record for plaintiffs KATHLEEN MAGHADO, RACHEL  
6 LOMAS and AMBER LOMAS herein.

7  
8 2. The statements set forth as to Dr. Sonnet Weedn above are true and correct. Dr.  
9 Weedn has agreed to testify in this matter and will be sufficiently familiar with the pending action  
10 to submit to a meaningful oral deposition concerning her specific testimony. Dr. Weedn's hourly  
11 rate for deposition is \$250.

12  
13 3. The statements set forth as to Fr. Thomas Doyle above are true and correct. Fr.  
14 Doyle has agreed to testify in this matter and will be sufficiently familiar with the pending action  
15 to submit to a meaningful oral deposition concerning his specific testimony. Fr. Doyle's hourly  
16 rate for deposition is \$300.

17  
18 4. The statements set forth as to A.W. Richard Sipe above are true and correct. Mr.  
19 Sipe has agreed to testify in this matter and will be sufficiently familiar with the pending action to  
20 submit to a meaningful oral deposition concerning his specific testimony. Mr. Sipe's hourly rate  
21 for deposition is \$300.

22  
23 I declare under penalty of perjury under the laws of the State of California that the  
24 foregoing is true and correct. Executed on 3 January 2005 in San Jose, California.

25  
26  
27   
28 Anthony Boskovich

Law Offices of Anthony Boskovich 28 North First Street, 6th Floor, San Jose, CA 95113 (408) 286-5150